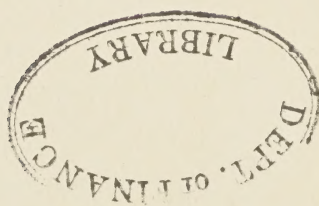
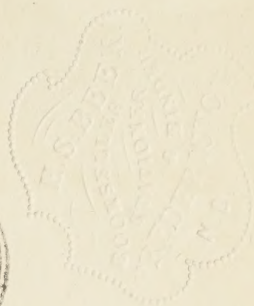


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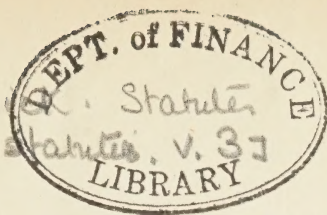
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Statutes
N.B.

New Brunswick

" Revised Statutes, V. 37

THE



LOCAL AND PRIVATE

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STATUTES

Hawthorn

OF

NEW BRUNSWICK.

VOLUME III.

PRINTED UNDER THE AUTHORITY OF AN ACT OF THE LEGISLATURE.



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FREDERICTON, N. B.

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FREDERICTON, NEW BRUNSWICK:

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PREFACE.

This Volume, containing the Local and Private Acts, closes the series, agreeably to the directions of the Act of Assembly 17 V. c. 16, published in the Second Volume.

It may be necessary to repeat that the First Volume contains the *Public Statutes as revised by the Law Commissioners*. The Second Volume also contains *Public Statutes, but not revised* for the reasons given in the Preface to that Volume. The Third Volume includes the *Local and Private Statutes*, which could not be revised without the risk of interfering with private interests.

Of the immense number of Local and Private Acts, I have selected such as were unrepealed in part, or in the whole; and whoever carefully examines this Volume and compares it with the number of books and annual publications of the Laws, with the variety of repealed Acts, Sections, and parts of Sections, will understand the degree of attention, labour, and time required for its preparation and passage through the Press.

The Laws for the City and County of Saint John alone are so numerous—occupying no less than two hundred and five pages of this Volume—and so complicated, that the Act for “*repairing the Streets and Bridges of the City of Saint John*,” was printed before it was discovered that all but the first and second Sections were repealed by 16 V. c. 37, under the incongruous title of “*An Act to amend the Charter*,” &c. And the old County Court Act, so far as it extends to the City, remains on the Statute Book, although containing some provisions difficult to reconcile with the late Act of 13 V. c. 8, in *amendment of the Practice of the City Court*.

Of the mass of private Corporations, I have inserted those respecting which certificates have been filed in the Secretary's Office, with the exception of such as upon careful enquiry I found had become extinct; together with some others which had long been in operation, and had been recognized as such by subsequent Statutes.

It will be perceived that the arrangement has been to print the Local Acts of each County by themselves; and of the Private Acts to take first those relating to Churches and of a benevolent character, and then those which concern the ordinary affairs of individuals, classifying them with reference to their objects and the time of their enactment.

The same remark is applicable to the Index, as for instance under the letter "C" will be found all the Laws relating to the several Counties, each County alphabetically arranged; and the same order as to the Private Acts, such for instance as Societies, Companies, &c., under "S," "C," &c.

W. B. KINNEAR.

LOCAL ACTS.

PRIVATE ACTS.

APPENDIX OF CHARTERS.

TABLE OF CONTENTS.

LOCAL ACTS.

SAINT JOHN.

	PAGE
26 G. 3, c. 10.—An Act for regulating the Courts of Law established in the several Counties for the trial of causes to the value of forty shillings,	1
26 G. 3, c. 46.—An Act for confirming unto the City of Saint John its rights and privileges,	3
43 G. 3, c. 3.—An Act for altering the divisions of four of the Wards in the City of Saint John, and for changing the mode of Elections within the two other Wards of the said City,	4
50 G. 3, c. 1.—An Act to authorize the Sheriff or other Executive Officer serving Process at the Parish of Saint Martins, to convey any Prisoner there arrested to the Gaol in the City of Saint John, by way of the public road leading through a part of King's County,	5
52 G. 3, c. 11.—An Act to authorize the Common Council of the City of Saint John to appoint Constables for such Wards of the City as shall omit to choose the same,	6
56 G. 3, c. 1.—An Act to increase the number of Constables in the City of Saint John,	7
58 G. 3, c. 12.—An Act further to provide for the security of the City of Saint John against the ravages of Fire,	8
5 G. 4, c. 24.—An Act to extend the powers of the Mayor, Aldermen, and Commonalty of the City of Saint John, for preventing the encumbering and filling up of the Harbour of the said City, to the waters and places of anchorage in the vicinity thereof,	9
9 G. 4, c. 2.—An Act to authorize the Justices of the Peace of the City and County of Saint John to raise a sum of money for completing the Court House of the said City and County,	10

9 G. 4, c. 4.—An Act relative to the Streets and Squares in the City of Saint John,	12
9 G. 4, c. 7.—An Act to authorize the Mayor, Aldermen, and Commonalty of the City of Saint John to open a Street from the Wharf on the south side of the Market Slip to the Wharf owned by Charles I. Peters, Esquire,	14
1 W. 4, c. 12.—An Act to remove doubts respecting the competency of Citizens of the City of Saint John as witnesses in cases where the Corporation of that City is a party,	15
2 W. 4, c. 25.—An Act to establish and regulate a Ferry and Public Landing at Indian Town, in the County of Saint John,	16
3 W. 4, c. 11.—An Act to alter and amend the Charter of the City of Saint John,	16
3 W. 4, c. 13.—An Act to provide for more effectually repairing the Streets and Bridges in the City of Saint John,—[See Preface and Errata.]	17
3 W. 4, c. 21.—An Act to prevent the importation and spreading of infectious Distempers in the City of Saint John,	23
3 W. 4, c. 32.—An Act to prevent Nuisances within the City of Saint John, and Parish of Portland in the County of Saint John,	35
4 W. 4, c. 8.—An Act to explain the Act for preventing the importation and spreading of infectious Distempers in the City of Saint John,	36
7 W. 4, c. 12.—An Act to provide for increasing the number of Constables in the City of Saint John, and for appointing Special Constables in the City and County of Saint John,	37
7 W. 4, c. 21.—An Act in amendment of an Act intituled <i>An Act to prevent Nuisances within the City of Saint John, and Parish of Portland in the County of Saint John,</i>	40
8 W. 4, c. 14.—An Act in further amendment of the Law relating to Nuisances in the Parish of Portland, in the County of Saint John,	41
1 V. c. 17.—An Act to provide for the erection of an Alms House and Work House, and to establish a Public Infirmary in and for the City and County of Saint John,	42
1 V. c. 26.—An Act to continue the Act relative to the Streets and Squares in the City of Saint John,	44

3 V. c. 1.—An Act for the more effectual prevention of Fires in the City of Saint John,	44
3 V. c. 2.—An Act to authorize the widening and enlarging of certain Streets in the City of Saint John, and of laying out other Streets therein,	48
3 V. c. 38.—An Act to authorize the Justices of the Peace in and for the City and County of Saint John, to erect a building in the said City for a Common Gaol, and to raise a sum of money for erecting and completing the same,	57
3 V. c. 70.—An Act to extend the jurisdiction of the Corporation of the City of Saint John for the regulation of the rates of Pilotage, beyond the limits now prescribed by Charter,	60
3 V. c. 81.—An Act to limit the extent and regulate the building of Wharves on the eastern side of the Harbour of Saint John,	60
4 V. c. 14.—An Act to permit the establishment of a Fish Market in one of the Public Slips in the City of Saint John,	62
4 V. c. 21.—An Act in addition to and in amendment of an Act to provide for the erection of an Alms House and Work House, and to establish a Public Infirmary in and for the City and County of Saint John,	63
5 V. c. 39.—An Act to regulate Dockage, Wharfage, and Cranage in the City of Saint John and in the Parish of Portland,	65
6 V. c. 35.—An Act for the amendment of the Charter of the City of Saint John,	70
6 V. c. 37.—An Act to establish a Register of Freemen of the City of Saint John in lieu of the Register lately destroyed by fire,	73
7 V. c. 22.—An Act in addition to an Act intituled <i>An Act to prevent Nuisances within the City of Saint John</i> ,	73
7 V. c. 37.—An Act for more effectually securing the Navigation of the River and Harbour of Saint John, in the City and County of Saint John,	75
9 V. c. 29.—An Act relating to the Public Debt of the Corporation of the City of Saint John,	77
9 V. c. 30.—An Act relating to County and Parish Officers in the City and County of Saint John,	79
10 V. c. 57.—An Act to alter and amend an Act intituled <i>An Act to provide for the erection of an Alms House and Work House, and to establish a Public Infirmary in and for the City and County of Saint John</i> ,	81

11 V. c. 12.—An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John,	82
11 V. c. 13.—An Act more effectually to provide for the support of a Nightly Watch and Day Police in that part of the City of Saint John lying on the eastern side of the Harbour of Saint John, and for lighting the same, as also for other purposes,	105
11 V. c. 29.—An Act to amend an Act for the amendment of the Charter of the City of Saint John,	117
11 V. c. 30.—An Act to amend an Act to provide for increasing the number of Special Constables in the City of Saint John, and for appointing Special Constables in the City and County of Saint John,	117
11 V. c. 31.—An Act further to continue an Act intituled <i>An Act to extend the jurisdiction of the Corporation of the City of Saint John for the regulation of the rates of Pilotage, beyond the limits now prescribed by Charter,</i>	119
11 V. c. 32.—An Act relating to the Public Burial Ground in the City of Saint John,	120
11 V. c. 33.—An Act to authorize the Justices of the Peace for the City and County of Saint John to raise a sum of money for making certain alterations in and additions to the Common Gaol of the said City and County,	122
12 V. c. 1.—An Act in addition to and in amendment of an Act intituled <i>An Act for the more effectual prevention of Fires in the City of Saint John,</i>	125
12 V. c. 2.—An Act to authorize the Mayor, Aldermen, and Commonalty of the City of Saint John, to purchase or lease a lot of Land for the purpose of enlarging the Country Market fronting on Charlotte Street, in the said City,	126
12 V. c. 7.—An Act to amend an Act intituled <i>An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John,</i>	127
12 V. c. 52.—An Act in addition to and in amendment of the Act relating to the Navigation of the River and Harbour of Saint John,	128
12 V. c. 68.—An Act in further amendment of the Charter of the City of Saint John,	129

13 V. c. 1.—An Act relating to the Police Office established in the City of Saint John, and to provide for the relief of Debtors confined in the Gaol of the said City for small sums, and making provision for the levying and collecting of Assessments in the said City, and other purposes,	138
13 V. c. 5.—An Act for the better extinguishing of Fires which may happen in the City of Saint John,	144
13 V. c. 8.—An Act to alter and amend the Practice and Proceedings in the City Court of Saint John,	149
13 V. c. 15.—An Act further to alter and amend the Act to provide for the erection of an Alms House and Work House, and to establish a Public Infirmary in and for the City and County of Saint John,	157
13 V. c. 19.—An Act for the regulation of the South Bay Canal,	158
14 V. c. 7.—An Act to continue and amend an Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John,	159
14 V. c. 10.—An Act relating to the levying and collecting Rates in the City and County of Saint John,	160
14 V. c. 11.—An Act relating to the Navigation of the River and Harbour of Saint John,	162
14 V. c. 14.—An Act relating to the appointment of the Gaoler of the Gaol of the City and County of Saint John,	162
15 V. c. 10.—An Act in further amendment of an Act intituled <i>An Act for the better extinguishing of Fires which may happen in the City of Saint John</i> ,	163
15 V. c. 11.—An Act to provide for the erecting and making certain Wharves and improvements in the Harbour of Saint John,	163
15 V. c. 12.—An Act to continue and amend an Act intituled <i>An Act for the better extinguishing of Fires which may happen in the City of Saint John</i> ,	169
15 V. c. 15.—An Act for the better extinguishing of Fires which may happen in the Parish of Portland, in the County of Saint John,	170
15 V. c. 16.—An Act to provide for the erection of a Building for a Registry Office in the City and County of Saint John,	172
15 V. c. 18.—An Act relating to the Public Wharves in the Parish of Portland, in the County of Saint John,	174

15 V. c. 62.—An Act to amend and explain an Act to permit the establishment of a Fish Market in one of the Public Slips in the City of Saint John,	174
15 V. c. 63.—An Act in addition to an Act intituled <i>An Act for the better extinguishing of Fires which may happen in the Parish of Portland, in the County of Saint John</i> ,	176
16 V. c. 7.—An Act to continue and amend an Act more effectually to provide for the support of a Nightly Watch and Day Police in that part of the City of Saint John lying on the eastern side of the Harbour of Saint John, and for lighting the same, and for other purposes,	177
16 V. c. 8.—An Act relating to the Fire Police of the City of Saint John,	179
16 V. c. 9.—An Act to restrain the going at large of Dogs within the City of Saint John,	180
16 V. c. 10.—An Act relating to the Public Debt of the City of Saint John,	181
16 V. c. 11.—An Act for the division of King's Ward in the City of Saint John, into two separate Wards,	184
16 V. c. 37.—An Act to amend the Charter of the City of Saint John, and certain Acts of Assembly relating to the local government of the said City,	186
16 V. c. 38.—An Act to amend an Act for the division of King's Ward in the City of Saint John, into two separate Wards,	195
17 V. c. 5.—An Act relating to the repair of Streets in the City of Saint John,	195
17 V. c. 6.—An Act relating to the Fire Department of the City of Saint John,	197
17 V. c. 7.—An Act relating to Elections of City Officers in the City of Saint John,	198
17 V. c. 37.—An Act to amend the Act relating to Highways, so far as relates to the Parish of Portland, in the City and County of Saint John,	199
17 V. c. 39.—An Act relating to the Public Debt of the City of Saint John,	201
17 V. c. 40.—An Act to authorize the Justices of the Peace for the City and County of Saint John to levy an assessment for the erection of a Dead House for the said City and County,	202
17 V. c. 62.—An Act in addition to an Act intituled <i>An Act to provide for the erection and making of certain Wharves and improvements in the Harbour of Saint John</i> ,	203

YORK.

45 G. 3, c. 8.—An Act to regulate the Winter Roads in the Counties of York and Sunbury,	206
52 G. 3, c. 18.—An Act in amendment of an Act made and passed in the forty fifth year of His Majesty's Reign, intituled <i>An Act to regulate the Winter Roads in the Counties of York and Sunbury</i> ,	208
56 G. 3, c. 7.—An Act to provide for the purchase of a place for the residence and accommodation of the Governor or Commander in Chief of this Province,	209
3 G. 4, c. 25.—An Act to provide for the erection of an Alms House and Work House within the County of York, and for making rules and regulations for the management of the same,	212
8 G. 4, c. 23.—An Act to establish and regulate Public Landing Places in Fredericton,	215
10 & 11 G. 4, c. 20.—An Act to establish Houses of Correction within the Counties of York and Charlotte,	217
3 V. c. 78.—An Act to amend an Act intituled <i>An Act to provide for the purchase of a place for the residence and accommodation of the Governor or Commander in Chief of this Province</i> ,	217
10 V. c. 7.—An Act relating to certain Public Lands in Fredericton,	218
10 V. c. 47.—An Act relating to a tract of Land situate below the Town Plat of Fredericton,	220
14 V. c. 4.—An Act to provide for the appointment of Commissioners for the Alms House and Work House for the County of York,	221
14 V. c. 15.—An Act to repeal the several Acts for incorporating the City of Fredericton, and to make other provisions in lieu thereof,	222
14 V. c. 17.—An Act to authorize the issue of Treasury Debentures to raise money for the purpose of being loaned for rebuilding a part of the City of Fredericton destroyed by Fire in the month of November one thousand eight hundred and fifty,	257
16 V. c. 23.—An Act to authorize the sale of the Alms House Property in the County of York,	263
16 V. c. 40.—An Act to authorize and empower the Justices of the Peace of the County of York to raise by loan a sufficient sum of money to enable them to erect a new Court House in the said County,	264

17 V. c. 45.—An Act to provide for the establishment and management of a Boom or Booms in the County of York,	267
---	-----

CHARLOTTE.

58 G. 3, c. 18.—An Act to empower and authorize the Justices of the Peace of the County of Charlotte to lease a certain piece of Common Land in the Parish of Saint Andrews, and to invest the proceeds towards the support of the Poor of the said Parish,	269
5 G. 4, c. 10.—An Act to provide for making rules and regulations for the management of the Poor House in the Parish of Saint Andrews,	270
5 G. 4, c. 20.—An Act to authorize the Justices of the Peace for the County of Charlotte to assess the inhabitants of the Parish of Grand Manan for the erection of a Lock-up House in the said Parish,	272
5 W. 4, c. 22.—An Act to authorize and empower the Justices of the Peace for the County of Charlotte to lease a part of the Public Landing at Salt Water in the Parish of Saint Stephen,	273
4 V. c. 10.—An Act to provide for more effectually repairing the Streets and Bridges in a part of the Parish of Saint Stephen,	274
4 V. c. 11.—An Act to authorize the Justices of the Peace for the County of Charlotte to assess the Parish of Saint Stephen in the said County for the erection of a Wharf on the Public Landing at Salt Water in said Parish,	275
5 V. c. 2.—An Act to authorize the Justices of the Peace for the County of Charlotte to make regulations for the Market Wharf in the Parish of Saint Stephen,	276
11 V. c. 42.—An Act to provide for the more effectually repairing the Streets and Bridges in the Town Plat of Saint Andrews,	278
12 V. c. 27.—An Act to provide for the more effectually repairing the Roads and Bridges in the Parishes of Campo Bello and Grand Manan,	279
14 V. c. 8.—An Act to amend an Act relating to the repairing of the Streets and Bridges in a part of the Parish of Saint Stephen,	280
16 V. c. 16.—An Act to authorize the Justices of the Peace for the County of Charlotte to assess the inhabitants of the Parish of Saint Stephen for the erection of a Lock-up House in the said Parish,	280

- 16 V. c. 18.—An Act for the better and more effectual securing the navigation of the River Saint Croix, in the County of Charlotte, 281
- 16 V. c. 39.—An Act to revive and amend an Act to regulate the Herring Fishery in the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield, and Saint George, in the County of Charlotte, 282
- 17 V. c. 38.—An Act to provide for the more effectually repairing the Highways, Streets, and Side Walks in the Milltown Highway District, in the Parish of Saint Stephen, 284

KING'S.

- 1 W. 4, c. 41.—An Act to authorize the Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Kingston, to convey their right to the land whereon the Court House has been erected, to the Justices of the Peace of King's County, in exchange for other land, and to establish a Public Square in the said Parish, 286

QUEEN'S.

- 2 V. c. 34.—An Act to provide for making and maintaining a Canal across Grimross Neck, in Queen's County, 289
- 4 V. c. 7.—An Act to extend the provisions of an Act intituled *An Act to enable the Commissioners of Highways in the Parishes of Mauderville, Sheffield, and Waterborough, to lay out Highways, and to appropriate part of the Statute Labour for securing the Bank of the River in front of those Parishes*, to the Parish of Gagetown, in Queen's County, 291
- 17 V. c. 36.—An Act in amendment of an Act to provide for making and maintaining a Canal across Grimross Neck, in Queen's County, 292

SUNBURY.

- 34 G. 3, c. 9.—An Act for preserving the Bank of the River Saint John in front of the Parishes of Mauderville, Sheffield, and Waterborough, 293
- 41 G. 3, c. 9.—An Act for preserving the Bank of the River Saint John in front of the Parish of Lincoln, in the County of Sunbury, 295
- 45 G. 3, c. 13.—An Act to enable the Commissioners of Highways in the Parishes of Mauderville, Sheffield, and Waterborough, to lay out Highways, and to appropriate part of the Statute Labour for securing the Bank of the River in front of those Parishes, 296

- 56 G. 3, c. 12.—An Act to continue and make perpetual two Acts of the General Assembly that are near expiring, 297
- 5 V. c. 27.—An Act to authorize the Justices of the Peace for the County of Sunbury to make rules and regulations for protecting the public use of the Draw in the Bridge over the River Oromocto, 298

CARLETON.

- 9 V. c. 40.—An Act to provide for the repair of the Streets and Highways in part of the Parish of Woodstock, 299
- 10 V. c. 15.—An Act in addition to and in amendment of an Act intituled *An Act to provide for the repair of the Streets and Highways in part of the Parish of Woodstock*, 308
- 13 V. c. 10.—An Act to continue the several Acts for the repair of the Streets and Highways in part of the Parish of Woodstock, in the County of Carleton, 311
- 15 V. c. 9.—An Act to legalize the Lock-up House at the Creek Village, in the Parish of Woodstock, in the County of Carleton, 311

ALBERT.

- 13 V. c. 20.—An Act to enable the Commissioners of Highways to establish a Public Road two rods wide across the Great Marsh in the Parish of Hopewell, in the County of Albert, 313
- 17 V. c. 41.—An Act to authorize the turning of West River, in the County of Albert, into Roshea Bay, 313

WESTMORLAND.

- 16 V. c. 41.—An Act to authorize the Justices of the Peace for the County of Westmorland to assess the inhabitants of the Parishes of Moncton and Salisbury for the erection of a Lock-up House for the said Parishes, 315

KENT.

- 13 V. c. 11.—An Act to provide for more effectually repairing the Streets and Bridges in a part of the Parish of Richibucto, 316

NORTHUMBERLAND.

- 5 G. 4, c. 23.—An Act to provide for the better support of the Poor in certain Parishes in the County of Northumberland, 317

4 V. c. 25.—An Act to authorize the Justices of the Peace for the County of Northumberland to erect a Lock-up House in the Town of Chatham, in the said County,	320
4 V. c. 27.—An Act to authorize the appointment of Commissioners to lay out a Street or Highway through the Town of Chatham, and to establish and regulate Public Landings in the said Town,	322
5 V. c. 24.—An Act to repeal certain parts of an Act intituled <i>An Act to authorize the appointment of Commissioners to lay out a Street or Highway through the Town of Chatham, and to establish and regulate Public Landings in the said Town</i> , and to make other provisions in lieu thereof,	324
8 V. c. 57.—An Act to establish periodical Fairs in the Town of Newcastle, in the County of Northumberland,	325
13 V. c. 17.—An Act to enable the Justices of the Peace for the County of Northumberland for the time being to receive the title of and hold a piece of Land in the Town of Newcastle, for the use of a Grammar School in the said Town,	326
15 V. c. 66.—An Act to legalize the acts of the Commissioners appointed to lay out a Street or Highway through the Town of Chatham, and to establish and regulate Public Landings in the said Town,	327
17 V. c. 3.—An Act to make further provisions for the support of Buoys and Beacons in the Bay and Harbour of Miramichi,	328
17 V. c. 8.—An Act to relieve the Engine Men of the Chatham Fire Engines, in the County of Northumberland, from Parish offices, and to afford immunities and exemptions to them in certain cases,	329

GLOUCESTER.

13 V. c. 18.—An Act to prevent the spread of a disorder now existing in certain parts of the Counties of Gloucester and Northumberland,	330
15 V. c. 64.—An Act to continue an Act to prevent the spread of a disorder now existing in certain parts of the Counties of Gloucester and Northumberland,	334
17 V. c. 9.—An Act to authorize the erection of a Marine Hospital at the Port of Bathurst,	334

PRIVATE ACTS.

CHURCHES.

- 2 G. 4, c. 16.—An Act to authorize the Rector, Church Wardens, and Vestry of Saint Andrews Church, in the Parish of Saint Andrews, to convey a certain piece of Glebe Land of the said Parish, and to dispose of the money arising from the sale thereof in the purchase of other lands, 337
- 5 G. 4, c. 19.—An Act for erecting a separate Parish in the City of Saint John, 338
- 7 G. 4, c. 20.—An Act to authorize the Rector, Church Wardens, and Vestry of Christ Church, in the Parish of Saint Stephen, to dispose of a part of a tract of Glebe Land in that Parish, and to vest the proceeds in other lands more productive to the Rector, 341
- 10 & 11. G. 4, c. 26.—An Act to confirm a division made of certain Lands situate at Chamcook, in the Parish of Saint Andrews, granted to the Justices of the County of Charlotte in trust for the use and benefit of the Rector or Minister and Parish School of the same Parish, 342
- 7 W. 4, c. 29.—An Act to enable the Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Saint John, in the City of Saint John, to sell certain land in the said City, 345
- 4 V. c. 3.—An Act relating to the Parish Church of the Parish of Portland, in the County of Saint John, and to the Church Corporation of the said Parish, 346
- 7 V. c. 6.—An Act to authorize the Rector, Church Wardens, and Vestry of Saint Ann's Church, in the Parish of Sackville, to sell certain lots of Glebe Land, and to dispose of the money arising from the sale thereof in the purchase of other lands, 351
- 11 V. c. 44.—An Act to authorize the Rector, Church Wardens, and Vestry of Saint Mary's Church, in the Parish of Richibucto, to sell certain lands granted to the said Corporation, and vest the proceeds in other lands, 352
- 11 V. c. 45.—An Act to authorize and empower the Rector, Church Wardens, and Vestry of Saint Thomas' Church, in the Parish of Saint James, in the County of Charlotte, to sell and convey certain Glebe and Church Lands in said Parish, and vest the proceeds in other lands more productive, 353

12 V. c. 56.—An Act to authorize and empower the Rector, Church Wardens, and Vestry of Saint George's Church, in the Parish of Bathurst, in the County of Gloucester, to sell and convey a certain tract or lot of Glebe Land situate in the said Parish, and to vest the proceeds in the purchase of other lands in a more desirable situation, and more productive,	354
13 V. c. 14.—An Act to authorize the Rector, Church Wardens, and Vestry of Saint Mary's Church, in the Parish of Richibucto, to sell certain lands granted to the said Corporation, and vest the proceeds in other lands,	355
14 V. c. 10.—An Act to authorize and empower the Trustees of certain Glebe Lands in the Parish of Moncton, in the County of Westmorland, to sell the same, and to vest the proceeds in other lands,	356
15 V. c. 17.—An Act to erect another Parish in the City of Saint John for ecclesiastical purposes,	358
16 V. c. 12.—An Act to erect the Parish of Saint Mark, in the City of Saint John, for ecclesiastical purposes,	360
16 V. c. 47.—An Act to authorize the Rector, Church Wardens, and Vestry of Saint Mark's Church, in the Parish of Saint George, in the County of Charlotte, to sell and dispose of certain Glebe Lands in said Parish, and invest the proceeds in other lands,	364
16 V. c. 49.—An Act to authorize the Rector, Church Wardens, and Vestry of Saint Mary's Church, of the Parish of Richibucto, to sell certain lands granted to the said Corporation, and vest the proceeds in other lands,	365
17 V. c. 11.—An Act to carry into effect an agreement between the Bishop of Fredericton and the Rector, Church Wardens, and Vestry of Christ Church, in the Parish of Fredericton, relative to the Parish Church,	366
17 V. c. 46.—An Act to authorize the Rector, Church Wardens, and Vestry of Saint John Church, in the Parish of Burton, in the County of Sunbury, to sell and dispose of certain Glebe Lands in the Parishes of Burton and Blissville, in the said County, and to invest the proceeds arising therefrom in other lands,	370
17 V. c. 50.—An Act to authorize the Rector, Church Wardens, and Vestry of Christ Church, in the Parish of Fredericton, to sell certain lands, and to reinvest the proceeds thereof,	371

16 V. c. 4.—An Act to incorporate the Diocesan Church Society of New Brunswick,	372
1 W. 4, c. 11.—An Act to incorporate the Minister and Elders of the Kirk of Scotland in the Town of Newcastle, and for the purposes therein mentioned,	376
2 W. 4, c. 18.—An Act to repeal all the Laws now in force relating to Saint Andrew's Church, in the City of Saint John, and for incorporating certain persons pewholders of the said Church and of the several Churches erected or to be erected in this Province in connexion with the Church of Scotland,	378
3 W. 4, c. 15.—An Act to amend the Act relating to the several Churches in this Province in connexion with the Church of Scotland,	381
5 W. 4, c. 6.—An Act to amend an Act to repeal all the laws now in force relating to Saint Andrew's Church, in the City of Saint John, and for incorporating sundry persons pewholders of the said Church and of the several Churches erected or to be erected in the Province in connexion with the Church of Scotland,	382
7 V. c. 21.—An Act to authorize the Trustees of Saint John Church, in Richmond, to sell lands, and to apply the proceeds thereof for certain purposes,	383
10 V. c. 70.—An Act to authorize the Trustees of Saint Stephen's Church, in the City of Saint John, to sell and dispose of certain lands in the said City, and to reinvest the proceeds thereof,	384
12 V. c. 24.—An Act to authorize the Trustees of Saint Luke's Church, in Bathurst, to dispose of certain lands,	387
13 V. c. 8.—An Act to amend the Act relating to the sale of certain lands by the Trustees of Saint Stephen's Church, in the City of Saint John,	388
13 V. c. 18.—An Act to authorize the Trustees of the Church of Scotland in the Town of Saint Andrews, to sell certain lands, and vest the proceeds in other lands,	389
14 V. c. 9.—An Act to amend an Act relating to Churches erected or to be erected in this Province in connexion with the Established Church of Scotland,	391
16 V. c. 48.—An Act to amend an Act intituled <i>An Act to authorize the Trustees of Saint Stephen's Church in the City of Saint John, to sell and dispose of certain Lands in the said City, and to reinvest the proceeds thereof,</i>	393

9 V. c. 72.—An Act to incorporate the Roman Catholic Bishop in New Brunswick,	396
16 V. c. 6.—An Act to authorize the Roman Catholic Episcopal Corporation for the Diocese of New Brunswick to sell, dispose of, and mortgage lands in the City and County of Saint John, and to reinvest the proceeds thereof,	399
10 G. 4, c. 7, (<i>Imperial Act.</i>)—An Act for the relief of His Majesty's Roman Catholic Subjects,	401
10 V. c. 71.—An Act to provide for the incorporation of certain Presbyterian Churches in this Province not in connexion with the Established Church of Scotland,	415
12 V. c. 61.—An Act in amendment of an Act intituled <i>An Act to provide for the incorporation of certain Presbyterian Churches in this Province not in connexion with the Established Church of Scotland,</i>	419
7 V. c. 7.—An Act to incorporate the Trustees of the Reformed Presbyterian Church in the City of Saint John, in connexion with the Reformed Presbyterian Synod of Ireland,	421
14 V. c. 13.—An Act to incorporate the Orthodox Congregational Church at Milltown, in the Parish of Saint Stephen,	423
16 V. c. 5.—An Act for the incorporation of certain Bodies connected with the Wesleyan Methodist Church in New Brunswick,	424
17 V. c. 47.—An Act to incorporate certain Bodies connected with the Free Baptist Church in New Brunswick,	429

EDUCATION.

60 G. 3, c. 6.—An Act to confirm the Charter of the Madras School in New Brunswick, and to extend the powers of the Governor and Trustees of the same,	433
6 W. 4, c. 53.—An Act to enable the Governor and Trustees of the Madras School to dispose of certain parts of their lands,	434
7 W. 4, c. 30.—An Act to enable the Governor and Trustees of the Madras School to sell certain Land in Fredericton,	435
8 W. 4, c. 8.—An Act to remedy the failure of the annual Courts or Meetings of the Corporation of the Madras School in this Province,	436
14 V. c. 12.—An Act to authorize the Governor and Trustees of the Madras School in New Brunswick to sell and dispose of certain lands in the City of Fredericton, and for other purposes,	437

12 V. c. 65.—An Act to incorporate the Trustees of the Wesleyan Academy at Mount Allison, Sackville,	438
13 V. c. 2.—An Act to settle certain doubts raised under the last Will and Testament of Mark Varley, late of the City of Saint John, Brickmaker, but now deceased,	442

BENEVOLENT SOCIETIES.

3 V. c. 73.—An Act to incorporate the Saint John Orphan Benevolent Society,	447
8 V. c. 97.—An Act to incorporate the Fredericton Society of Saint Andrew,	447
9 V. c. 46.—An Act to incorporate the Highland Society of New Brunswick, at Miramichi,	448
10 V. c. 28.—An Act to incorporate the Saint Andrews Benefit Society,	449
10 V. c. 83.—An Act for the regulation of Benefit Building Societies,	452
17 V. c. 44.—An Act to amend an Act intituled <i>An Act to incorporate the Saint Andrews Benefit Society</i> ,	470
12 V. c. 64.—An Act to incorporate the Grand Division and Subordinate Divisions of the Order of the Sons of Temperance in New Brunswick,	470
15 V. c. 79.—An Act to incorporate the Trustees of the Provident Institution,	474
17 V. c. 48.—An Act to incorporate the Saint John Seamen's Friend Society,	476

MECHANICS' INSTITUTES.

2 V. c. 18.—An Act to incorporate the Saint John Mechanics' Institute,	479
8 V. c. 50.—An Act to incorporate the King's County Mechanics' Institute,	479
10 V. c. 22.—An Act to incorporate the Miramichi Mechanics' Institute,	480
11 V. c. 59.—An Act to incorporate the Dorchester Temperance Hall and Mechanics' Institute,	480
11 V. c. 60.—An Act to incorporate the Woodstock Mechanics' Institute,	481
13 V. c. 5.—An Act to incorporate the Newcastle and Douglastown Mechanics' Institution,	481
15 V. c. 80.—An Act to incorporate the Hillsborough Temperance Hall and Mechanics' Institute,	482

CEMETERIES.

9 G. 4, c. 26.—An Act to empower the Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Saint John, to dispose of lots in the New Burial Ground in the vicinity of the said Parish,	483
11 V. c. 56.—An Act for the incorporation of the Saint John Rural Cemetery Company,	484
12 V. c. 11.—An Act to empower the Rector, Church Wardens, and Vestry of Saint John Church, in the Parish of Burton, in the County of Sunbury, to dispose of lots in the new Burial Ground in the said Parish,	489
17 V. c. 28.—An Act to incorporate the Fredericton Rural Cemetery,	491
17 V. c. 49.—An Act relating to the Roman Catholic Burial Ground in the Parish of Portland, City and County of Saint John,	493
17 V. c. 56.—An Act to amend an Act for the incorporation of the Saint John Rural Cemetery Company,	494

AGRICULTURAL SOCIETIES.

10 V. c. 23.—An Act to incorporate the Charlotte County Agricultural Society,	495
11 V. c. 53.—An Act to incorporate the King's County Central Agricultural Society,	496
11 V. c. 54.—An Act to incorporate the Carleton County Agricultural Society,	497
13 V. c. 13.—An Act to incorporate the King's County Union Agricultural Society,	499
13 V. c. 17.—An Act to incorporate the Agricultural Society of Sunbury,	500
13 V. c. 20.—An Act to alter and amend the Act incorporating the Carleton County Agricultural Society,	500
14 V. c. 6.—An Act to incorporate the Simonds Agricultural Society,	501
14 V. c. 16.—An Act to incorporate the Upham Agricultural Society,	502
14 V. c. 17.—An Act to incorporate the County of Kent Agricultural Society,	504
14 V. c. 18.—An Act to incorporate the Sussex and Studholm Agricultural Society,	505
14 V. c. 19.—An Act to incorporate the Grand Lake, Queen's County, Agricultural Society,	506
15 V. c. 20.—An Act to incorporate the Saint Patrick Central Agricultural Society,	507

15 V. c. 21.—An Act to incorporate the Westmorland Agricultural and Emigrant Society,	508
15 V. c. 22.—An Act to incorporate the Wellington and Dundas, County of Kent, Agricultural Society,	510
15 V. c. 23.—An Act to incorporate the Victoria County Agricultural Society,	511
15 V. c. 24.—An Act to incorporate the Kingston (Kent) Agricultural Society,	512
15 V. c. 81.—An Act to incorporate the Harvey Agricultural Society,	513
15 V. c. 82.—An Act to incorporate the Botsford and Westmorland, County of Westmorland, Agricultural Society,	514
15 V. c. 83.—An Act to incorporate the Wakefield and Brighton Agricultural Society,	515
15 V. c. 84.—An Act to incorporate the Queen's County Agricultural Society,	516
16 V. c. 57.—An Act to alter and amend the Act incorporating the Wakefield and Brighton Agricultural Society,	517
16 V. c. 60.—An Act to incorporate the Gloucester County Agricultural Society,	518
16 V. c. 61.—An Act to incorporate the District Agricultural Society for the Parishes of Blackville, Blissfield, and Ludlow, in the County of Northumberland,	519
17 V. c. 13.—An Act to incorporate the Dorchester Agricultural Society,	520

FARMERS' LIBRARY SOCIETY.

14 V. c. 2.—An Act to incorporate the Woodstock Farmers and Mechanics' Library Society,	521
---	-----

BARRISTERS' SOCIETY.

9 V. c. 48.—An Act to incorporate the Barristers' Society of New Brunswick,	522
---	-----

CHAMBER OF COMMERCE.

17 V. c. 27.—An Act to incorporate the Saint John Chamber of Commerce,	524
--	-----

QUIETING TITLES.

9 V. c. 19.—An Act to enable the Rector, Church Wards, and Vestry of Trinity Church, in Springfield, King's County, to dispose of certain lands held by them, in exchange for other lands,	531
--	-----

9 V. c. 69.—An Act to quiet the Titles to certain lands in Fredericton,	532
15 V. c. 68.—An Act to settle and secure the Title to certain lands in the County of Kent,	537
PICKETT ESCHEAT.	
15 V. c. 52.—An Act relating to the escheated property of Munson Gould Pickett,	553
TURNER'S MILL.	
12 V. c. 12.—An Act to legalize the conveyance of Water to Turner's Grist Mill, in the Parish of Saint Patrick, in the County of Charlotte,	554
MALLEABLE IRON.	
16 V. c. 46.—An Act to authorize the granting Letters Patent for the manufacture of Malleable Iron from the Ore,	555
BANKS.	
60 G. 3, c. 13.—An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Bank of New Brunswick,	557
2 G. 4, c. 20.—An Act to alter and amend an Act intituled <i>An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Bank of New Brunswick</i> ,	564
6 G. 4, c. 3.—An Act to increase the Capital Stock of the Bank of New Brunswick,	565
6 G. 4, c. 12.—An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Charlotte County Bank,	566
4 W. 4, c. 44.—An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Central Bank of New Brunswick,	574
6 W. 4, c. 32.—An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Saint Stephens Bank, in the County of Charlotte,	585
6 W. 4, c. 57.—An Act to provide for the further increase of the Capital Stock of the Bank of New Brunswick, and to amend and continue the Act for incorporating the said Bank,	597
6 W. 4 c. 58.—An Act to increase the Capital Stock of the Central Bank of New Brunswick, and to amend the Act incorporating the same,	603

8 W. 4, c. 9.—An Act in addition to an Act intituled <i>An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Saint Stephens Bank, in the County of Charlotte,</i>	607
8 W. 4, c. 16.—An Act to enable the Proprietors or Shareholders of a Company called the Bank of British North America, to sue and be sued in this Province, in the name of the Manager or of any of the local Directors for the time being of the said Company,	608
2 V. c. 26.—An Act in addition to an Act intituled <i>An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Bank of New Brunswick,</i>	615
3 V. c. 35.—An Act to alter and amend an Act intituled <i>An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Bank of New Brunswick,</i>	617
4 V. c. 29.—An Act to extend the provisions of the Act for the increase of the Capital Stock of the Central Bank of New Brunswick,	618
7 V. c. 14.—An Act to continue and amend the Act incorporating the Charlotte County Bank,	619
15 V. c. 69.—An Act to continue the Charter of the Central Bank of New Brunswick,	623
15 V. c. 70.—An Act to continue an Act intituled <i>An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Saint Stephens Bank, in the County of Charlotte,</i>	623
16 V. c. 51.—An Act to extend the Charter of the President, Directors, and Company of the Commercial Bank of New Brunswick,	624
16 V. c. 52.—An Act to increase the Capital Stock of the Saint Stephens Bank, in the County of Charlotte,	624
17 V. c. 1.—An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Westmorland Bank of New Brunswick, in the County of Westmorland,	626
17 V. c. 12.—An Act for the further increase of the Capital Stock of the Bank of New Brunswick,	639
17 V. c. 54.—An Act in further amendment of and in addition to an Act intituled <i>An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Central Bank of New Brunswick,</i>	642

WATER COMPANIES.

2 W. 4, c. 26.—An Act to incorporate sundry persons by the name of the Saint John Water Company,	644
4 W. 4, c. 40.—An Act to revive and amend an Act to incorporate sundry persons by the name of the Saint John Water Company,	652
2 V. c. 33.—An Act to explain and amend an Act intituled <i>An Act to incorporate sundry persons by the name of the Saint John Water Company</i> ,	652
12 V. c. 51.—An Act to increase the Capital Stock of the Saint John Water Company, and to provide a more efficient supply of Water in the City of Saint John,	655
13 V. c. 7.—An Act to amend an Act to increase the Capital Stock of the Saint John Water Company, and to provide a more efficient supply of Water in the City of Saint John,	661
15 V. c. 71.—An Act further to increase the Capital Stock of the Saint John Water Company,	662
16 V. c. 53.—An Act to amend an Act intituled <i>An Act further to increase the Capital Stock of the Saint John Water Company</i> ,	663
17 V. c. 56.—An Act to incorporate the Milltown Aqueduct Company, in the Parish of Saint Stephen,	663
17 V. c. 58.—An Act to incorporate sundry persons by the name of the Petitcodiac Water Company,	664

INSURANCE COMPANIES.

6 W. 4, c. 55.—An Act to incorporate the Central Fire Insurance Company of New Brunswick,	672
4 V. c. 41.—An Act to amend an Act to incorporate the Central Fire Insurance Company of New Brunswick,	684
9 V. c. 43.—An Act to incorporate the Mutual Insurance Company,	686
9 V. c. 50.—An Act to amend the Act to incorporate the Central Fire Insurance Company of New Brunswick,	687
10 V. c. 77.—An Act to incorporate the King's County Mutual Insurance Company,	688
17 V. c. 63.—An Act to incorporate the Saint John Fire Insurance Company,	689
7 W. 4, c. 54.—An Act to incorporate sundry persons by the name of the New Brunswick Marine Insurance Company,	700

2 V. c. 14.—An Act to amend an Act intituled <i>An Act to incorporate sundry persons by the name of the New Brunswick Marine Insurance Company</i> ,	714
8 V. c. 48.—An Act to incorporate sundry persons by the name of the Globe Assurance Company,	716

RAILWAYS.

13 V. c. 21.—An Act to incorporate the Grand Falls Railway Company,	730
14 V. c. 11.—An Act to incorporate the Saint Stephen Railroad Company,	745
15 V. c. 76.—An Act to incorporate the Magaguadavic Railway Company,	753
17 V. c. 53.—An Act to revive and amend the Act to incorporate the Grand Falls Railway Company,	775

TELEGRAPH COMPANIES.

11 V. c. 55.—An Act to incorporate the New Brunswick Electric Telegraph Company,	778
12 V. c. 63.—An Act to amend an Act to incorporate the New Brunswick Electric Telegraph Company,	784
13 V. c. 11.—An Act to incorporate the Fredericton and Saint John Electric Telegraph Company,	785
14 V. c. 3.—An Act to incorporate the Miramichi and Richibucto Electric Telegraph Company,	790
14 V. c. 7.—An Act to amend and extend the operation of the Act to incorporate the Fredericton and Saint John Electric Telegraph Company,	796
14 V. c. 8.—An Act to incorporate within this Province the British North American Electric Telegraph Association,	797
15 V. c. 72.—An Act in addition to and amendment of an Act intituled <i>An Act to incorporate the Miramichi and Richibucto Electric Telegraph Company</i> ,	803
16 V. c. 43.—An Act in addition to and amendment of an Act to incorporate the New Brunswick Electric Telegraph Company,	805

BOOM COMPANIES.

7 V. c. 34.—An Act to incorporate the Fredericton Boom Company,	807
7 V. c. 49.—An Act to incorporate the Arestook Boom Company,	811
8 V. c. 55.—An Act to incorporate the Nashwaak Boom Company,	815

8 V. c. 90.—An Act to amend the Act to incorporate the Fredericton Boom Company,	819
8 V. c. 91.—An Act to continue and amend the Act to incorporate the Arestook Boom Company,	823
9 V. c. 34.—An Act to empower the owners of certain Saw Mills on Hammond River, in King's County, to erect and keep up a Boom or Booms for the securing of Saw Logs on the said River,	825
9 V. c. 45.—An Act to incorporate the Tobique Boom Company,	825
10 V. c. 72.—An Act to incorporate the South Bay Boom Company,	828
11 V. c. 49.—An Act in amendment of and in addition to an Act intituled <i>An Act to incorporate the South Bay Boom Company</i> ,	835
11 V. c. 50.—An Act further to amend and continue the Act to incorporate the Fredericton Boom Com- pany,	839
11 V. c. 51.—An Act to continue and amend the Act to incorporate the Arestook Boom Company,	842
11 V. c. 52.—An Act to amend the Act to incorporate the Nashwaak Boom Company,	843
12 V. c. 62.—An Act in addition to and in amendment of an Act intituled <i>An Act to incorporate the South Bay Boom Company</i> ,	844
12 V. c. 67.—An Act to incorporate the Saint Stephen Upper Mills Boom Company,	845
13 V. c. 9.—An Act further to amend and continue the Act to incorporate the Nashwaak Boom Company,	849
14 V. c. 3.—An Act to continue an Act to empower the owners of certain Saw Mills on Hammond River, in King's County, to erect and keep up a Boom or Booms for the securing of Saw Logs on the said River,	850
15 V. c. 74.—An Act to continue an Act to incorporate the Saint Stephen Upper Mills Boom Company,	851
15 V. c. 77.—An Act to incorporate the Saint Stephen Middle Boom Company,	851
16 V. c. 58.—An Act to revive and continue an Act to incorporate the Tobique Boom Company,	852
16 V. c. 65.—An Act to incorporate the Narkawickac Boom Company,	853
17 V. c. 10.—An Act to incorporate the South West Boom Company,	856

17 V. c. 52.—An Act in amendment of and in addition to an Act to incorporate the South Bay Boom Company,	860
17 V. c. 59.—An Act to increase the Capital Stock of the Nashwaak Boom Company,	863
SAINT STEPHEN SLUICE COMPANY.	
5 V. c. 29.—An Act to incorporate the Saint Stephen Log and Timber Sluice Company,	865
LACOOTE LAKE RIVER DRIVING COMPANY.	
16 V. c. 66.—An Act to incorporate the Lacoote Lake River Driving Company,	870
GAS COMPANIES.	
8 V. c. 89.—An Act to incorporate the Saint John Gas Light Company,	876
10 V. c. 82.—An Act to incorporate the Fredericton Gas Light Company,	882
15 V. c. 26.—An Act to amend the Act to incorporate the Fredericton Gas Light Company,	888
16 V. c. 55.—An Act to alter and amend an Act intituled <i>An Act to incorporate the Saint John Gas Light Company,</i>	888
17 V. c. 60.—An Act to incorporate the Saint Andrews Gas Company,	890
BRIDGE COMPANIES.	
8 V. c. 52.—An Act to incorporate the Saint Croix Bridge Company,	896
12 V. c. 69.—An Act to incorporate the Saint John Suspension Bridge Company,	898
15 V. c. 73.—An Act to extend the Act to incorporate the Saint John Suspension Bridge Company,	909
16 V. c. 62.—An Act to incorporate the North West Bridge Company,	910
16 V. c. 63.—An Act to incorporate the Courtney Bay Bridge Company,	917
MINING COMPANIES.	
10 V. c. 73.—An Act to incorporate the York and Carleton Mining Company,	926
12 V. c. 57.—An Act to facilitate the operations of the York and Carleton Mining Company,	928
15 V. c. 87.—An Act to incorporate the Albert Mining Company,	930

- 17 V. c. 64.—An Act to incorporate the Asphalte Mining and Kerosene Gas Company, 934

MILL COMPANIES.

- 4 W. 4, c. 39.—An Act for the incorporation of the Saint John Mills and Canal Company, 936
- 17 V. c. 55.—An Act to incorporate the Fredericton Mill and Manufacturing Company, 937
- 17 V. c. 57.—An Act to incorporate the Middle Landing Mills Company in Saint Stephen, 939

SAINT JOHN HOTEL COMPANY.

- 6 W. 4, c. 63.—An Act to incorporate the Saint John Hotel Company, 941
- 3 V. c. 43.—An Act to revive an Act intituled *An Act to incorporate the Saint John Hotel Company*, 944
- 16 V. c. 54.—An Act to amend an Act intituled *An Act to incorporate the Saint John Hotel Company*, 944

FISHING COMPANY.

- 14 V. c. 14.—An Act to incorporate the Northumberland Straits Fishing Company, 946
- 15 V. c. 27.—An Act to amend an Act intituled *An Act to incorporate the Northumberland Straits Fishing Company*, 950
- 17 V. c. 51.—An Act in further amendment of an Act intituled *An Act to incorporate the Northumberland Straits Fishing Company*, 951

PLAISTER COMPANY.

- 14 V. c. 4.—An Act to incorporate the Hillsborough Plaister and Rail Road Company, 953

GRINDSTONE COMPANY.

- 13 V. c. 16.—An Act to incorporate the Shediak Grindstone Manufacturing and Mining Company, 957
- 15 V. c. 59.—An Act to amend the Act to incorporate the Shediak Grindstone Manufacturing and Mining Company, 960

STEAM COMPANIES.

- 15 V. c. 75.—An Act to incorporate the Saint Andrews Steam Ferry Boat Company, 961
- 16 V. c. 64.—An Act to incorporate the Nashwaaksiss and Fredericton Steam Ferry Boat Company, 962
- 17 V. c. 61.—An Act to incorporate the Saint John and Westmorland Steam Navigation Company, 964

17 V. c. 65.—An Act to incorporate the Sunbury Steam Factory Company for the manufacture of Agricultu- ral and other Implements,	967
MANUFACTURING COMPANY.	
17 V. c. 2.—An Act to incorporate the Albert Manufac- turing Company,	971
HOME FACTORY COMPANY.	
17 V. c. 16.—An Act to incorporate the York Woollen and Home Factory Company,	975
TIMBER BENDING COMPANY.	
17 V. c. 26.—An Act to incorporate the British Ameri- can Timber Bending Company,	977



Province of New Brunswick.

LOCAL AND PRIVATE ACTS.

SAINT JOHN.

26th GEORGE 3rd—CHAPTER 10.

An Act for regulating the Courts of Law established in the several Counties for the trial of causes to the value of forty shillings.

Section.

1. What number of jurors to be returned, and at whose instance.
2. Time of imprisonment, by whom limited.

Section.

3. Courts, where held, &c.
4. Judicial power not to be deputed.

WHEREAS it is necessary for the effectual administration of Justice in the Clerks' Courts of the respective Counties, and in the City Court of the City of Saint John, that further powers be given to the Justices of the Peace and Aldermen presiding therein, and that further regulations and restrictions be adopted, the more fully to obtain the purposes for which they were instituted ;—

Be it enacted, &c.—1. The Constables and Marshals appointed to summon the juries for trial of causes in said Courts shall summon and return three impartial men in the stead of twelve jurors to each of the said respective Courts on the stated monthly terms or days of trial, and no oftener, in case the Clerks of said Courts shall respectively signify that the attendance of three such persons is then necessary, for the trials of causes at issue, and not otherwise, which three persons so returned shall try all causes at issue in said Courts respectively, in the room and stead of a jury consisting of twelve jurors as heretofore ordained; and it shall nevertheless be in the election of the defendant whether the cause shall be heard and determined by the Judge and Clerk of the said Court only, or by three such persons, and the defendant shall, on being served with a summons, notify the Clerk of the said Court that he wishes three such persons to be summoned, and if such notice is not given none shall be returned.

2. The presiding Justice, and no other person, shall have full power and authority to determine and limit the term of imprisonment or length of time the defendant shall suffer confinement, to be inserted in the execution against the body by the Clerk, in case the defendant shall not fulfil the judgment given against him; the said term not to exceed three months as heretofore ordained.

3. The said Courts shall be held in the most convenient place in each Town before some one of the Justices of the Peace of the County, and the Justice who is to preside at the said Court shall be the only person to appoint the place where said Court shall be held; and the several and respective judgments which shall be given in any of the said Courts shall be valid and final between the parties, notwithstanding any defect of form in the entries or pleadings made and had in the causes so determined.

4. Provided always, that nothing in this Act shall be construed to give the Clerk any authority to depute his judicial power to any person to act as deputy, but that in cases where a deputy shall be appointed the Justice shall be the sole Judge, any thing in any law or ordinance to the contrary in any wise notwithstanding.

26th GEORGE 3rd—CHAPTER 46.

An Act for confirming unto the City of Saint John its rights and privileges.

Section.

1. Incorporation of City of Saint John;
Letters Patent, what good.

Section.

2. What rights, &c. Corporation may hold.
3. To be deemed a public Act.

Be it enacted, &c.—1. The Mayor, Aldermen, and Commonalty of the City of Saint John shall and may for ever hereafter remain, continue, and be a body corporate and politic, in re, facto et nomine, by the name of “The Mayor, Aldermen, and Commonalty of the City of Saint John,” and by that name sue and be sued, plead and be impleaded, answer and be answered unto, without any seizure or forejudger, for or upon any pretence of any forfeiture or misdemeanor at any time heretofore done, suffered, or committed; and that all and singular Letters Patent, Grants, Charters, and Gifts, sealed under the Great Seal of this Province, heretofore made and granted unto the Mayor, Aldermen, and Commonalty of the City of Saint John, be and are hereby declared to be, and shall be good, valid, perfect, authentic, and effectual in the law, and shall stand and be taken, reputed, deemed, and adjudged good, perfect, sure, available, authentic, and effectual in the law, against the King’s Majesty, His Heirs and Successors, and all and every person or persons whomsoever, according to the tenor and effect of the said Letters Patent, Grants, Charters, and Gifts; and that the same be and are to all intents and purposes hereby ratified and confirmed.

2. The Mayor, Aldermen, and Commonalty of the City of Saint John, and their successors, shall and may for ever hereafter peaceably have, hold, use, and enjoy all and every the rights, gifts, charters, grants, powers, liberties, privileges, franchises, customs, usages, constitutions, immunities, markets, duties, tolls, lands, tenements, estates, and hereditaments, which have heretofore been given or granted unto the Mayor, Aldermen, and Commonalty of the City of Saint John, by any Letters Patent, Grant, Charter, or Gift, sealed under the Seal of this Province.

3. This present Act shall be accepted, taken, and reputed to be a public Act, of which all and every the Judges and Justices of this Province in all Courts, and all other persons

shall take notice on all occasions whatsoever, as if it were a public Act of Assembly relating to the whole Province ; any thing herein contained to the contrary thereof in any wise notwithstanding.

43rd GEORGE 3rd—CHAPTER 3.

An Act for altering the divisions of four of the Wards in the City of Saint John, and for changing the mode of Elections within the two other Wards of the said City.

Section.

1. What Wards, and how divided.
2. What Section repealed.

Section.

3. Charter, when to remain in force.

Passed 16th March 1803.

WHEREAS since the granting of the Charter of the City of Saint John, by reason of the removal of many persons from some of the Wards, the disproportion of inhabitants in the several Wards is at this time very great, and one of the Wards almost entirely depopulated : And whereas many of the free-men and inhabitants of the said City have, by petition, prayed that a remedy may be provided for the evil consequences arising from such changes ;—

Be it therefore enacted, &c.—1. That instead of the present division of the four Wards of the said City on the eastern side of the Harbour, the same Wards be hereafter divided by lines drawn from the Harbour to the rear of the said City, as follows, to wit, through the centre of King Street, Duke Street, and Saint James and Stormont Streets ; and that all that part of the said City lying to the northward of King Street, be for ever hereafter called and known by the name of *King's Ward* ; that all that part of the said City between King Street and Duke Street, be for ever hereafter called and known by the name of *Queen's Ward* ; that all that part of the said City lying between Duke Street and Saint James and Stormont Streets, be for ever hereafter called and known by the name of *Duke's Ward* ; and that the residue thereof lying to the southward of Saint James and Stormont Streets, be for ever hereafter called and known by the name of *Sidney Ward* : And that the Elections for the Aldermen, Assistants, and Constables of the same Wards, be held annually within the same

Wards, as in and by this Act divided, and bounded, in the same manner and at the same times, and under and subject to the same regulations and restrictions as are provided by the said Charter.

2. Repealed by 9 & 10 G. 4, c. 18.

3. Provided always, that the said Charter of the said City, and every clause, matter, and thing therein contained, except as herein and hereby particularized, altered, and amended, shall be and for ever remain in full force and effect, any thing herein contained to the contrary thereof in any wise notwithstanding.

50th GEORGE 3rd—CHAPTER 1.

An Act to authorize the Sheriff or other executive officer serving Process at the Parish of Saint Martins, to convey any Prisoner there arrested, to the Gaol in the City of Saint John, by way of the public Road leading through a part of King's County.

Section 1.—Prisoners arrested in Saint Martins, where and how to be conveyed.

Passed 14th March 1810.

WHEREAS the only communication by land between the City of Saint John, where the gaol of the City and County of Saint John is, and the Parish of Saint Martins in the same County, is by the public road from the said City to the said Parish, which passes through a part of King's County, by means whereof no prisoner arrested at the said Parish can legally be conveyed to the said gaol in any other way than by water, which may be at times more dangerous and inconvenient, as well as more expensive than by the said public road; for remedy whereof,—

Be it enacted, &c.—1. Any person or persons who may be legally arrested at the said Parish of Saint Martins upon any process, civil or criminal, may be conveyed from thence to the City of Saint John, to be committed to the said gaol there, or for other legal purposes, by the way of the said public road, which passes as aforesaid through a part of King's County, from the said Parish to the said City, as such prisoner or prisoners might have been conveyed in case the said public

road passed through the County of Saint John only ; provided that in the conveying of any such prisoner or prisoners no other deviation shall take place than resorting to such house or houses upon or near to the said road as may be requisite for rest or refreshment.

52nd GEORGE 3rd—CHAPTER 11.

An Act to authorize the Common Council of the City of Saint John to appoint Constables for such Wards of the City as shall omit to choose the same.

Section.

1. Constables when not chosen, by whom appointed.
2. When in case of death, &c., Common Council may appoint.

Section.

3. When to be sworn, fine on neglect, &c.
4. Qualification of persons appointed.

Passed 7th March 1812.

WHEREAS by the Charter of the City of Saint John, the freemen and freeholders of the said City, being inhabitants, are authorized and empowered to elect annually one Constable for each of the six Wards of the City : And whereas it has frequently happened that in some of the said Wards no Constable has been chosen agreeably to the provisions of the said Charter ;—

Be it enacted, &c.—1. It shall and may be lawful for the Common Council of the said City annually to appoint one fit person to be Constable for each and every of the said Wards in which no constable shall have been chosen agreeably to the provisions of the said Charter.

2. If any person appointed to the office of Constable under and by virtue of this Act, or elected to the same office agreeably to the provisions of the said Charter, shall happen to die or remove out of the said City within the time for which he shall be so appointed or elected, or shall refuse to take upon himself to execute the said office when so appointed or elected, it shall and may be lawful for the said Common Council to appoint one other fit person to execute the said office, in the room of such person so dying, or removing, or refusing to take upon himself to execute such office.

3. Every person appointed under and by virtue of this Act shall, before he executes the office of Constable, be duly sworn

as is provided by the said Charter in the case of persons elected to the said office; and any person who shall refuse, deny, delay, or neglect to take upon him to execute the said office when so appointed by the said Common Council, shall be subject to the like fine as is provided by the said Charter upon the refusal or neglect of any person to take upon him to execute the said office after being elected to the same; to be imposed or recovered, and levied and collected as in and by the same Charter is provided.

4. The persons who may be appointed to the office of Constable under and by virtue of this Act, for the several Wards in the eastern district of the said City, shall be inhabitants of the Wards for which they shall be respectively appointed, and freemen of the said City; and the persons who may be in like manner appointed for the Wards in the western district of the said City, shall be inhabitants of the said district, and freemen of the said City.

56th GEORGE 3rd—CHAPTER 1.

An Act to increase the number of Constables in the City of Saint John.

Section.

1. Additional Constables, by whom appointed.

Section.

2. What oaths to take, &c.
3. What fine for neglect, &c.

Passed 7th March 1816.

WHEREAS in and by the Charter of the City of Saint John, the number of Constables in and for the said City is limited to six, that is to say, one Constable for each Ward in the said City, and that number is found by experience to be greatly insufficient in the present increased state of the population of the said City;—

Be it therefore enacted, &c.—1. From and after the passing of this Act, it shall and may be lawful to and for the Mayor, Aldermen, and Commonalty of the said City of Saint John, or the major part of them, in Common Council convened, on the first Tuesday in April in each and every year, to name and appoint such and so many of the inhabitants of the said City, being freeholders there, or freemen of the said City, as they shall see convenient, not to exceed the number of twelve, to be

Constables in the said City for the ensuing year, in addition to the Constables annually elected and chosen in each respective Ward in the said City under and by virtue of the said Charter.

2. The Constables to be appointed by virtue of this Act, shall take the same oaths, and be subject and liable to the same fines, penalties, duties, rules, ordinances, and regulations, in every respect, and to all intents and purposes, that the Constables so elected and chosen under and by virtue of the said Charter, are by the said Charter directed to take, and are by the said Charter, or otherwise by law, subject and liable unto.

3. If any Constable in the said City of Saint John shall be guilty of any neglect or misbehaviour in the execution of the duty of his office, he shall forfeit and pay, for the use of the Mayor, Aldermen, and Commonalty of the said City, the sum of forty shillings for every such neglect and misbehaviour, to be recovered upon proof of such neglect or misbehaviour, by the oath of one credible witness, before the Mayor or Recorder and any one of the Aldermen of the said City, to be levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus, if any, after deducting the costs and charges of prosecution, to the offender.

58th GEORGE 3rd—CHAPTER 12.

An Act further to provide for the security of the City of Saint John against the ravages of Fire.

Section.

1. Width of street &c. and dwelling house
&c. on what street &c. to be erected.

Section.

2. When such building deemed a nuisance.

Passed 11th March 1818.

Be it enacted, &c.—1. No street, way, lane, or alley shall be hereafter laid out and established as a public street and highway within the said City, unless the same shall be of the width of fifty feet at least, and no dwelling house, store, or other building of what nature or kind soever, shall be built, erected, or set upon any street, way, lane, or alley, public or private, hereafter to be laid out or thrown open for use within the said City, that shall not be of the width of fifty feet as aforesaid; provided always, that nothing herein con-

tained shall extend or apply unto, or be construed to extend or apply unto any streets or ways within the said City already actually laid out or thrown open for use, and on which any building or buildings are actually built or erected.

2. Each and every dwelling house, store, or other building that shall or may be erected, built, or set up within the said City by any person or persons whomsoever, on any street, way, lane, or alley hereafter to be laid out or thrown open for use as aforesaid, and which shall be less in width than fifty feet at least as aforesaid, shall be deemed and adjudged a common nuisance.

5th GEORGE 4th—CHAPTER 24.

An Act to extend the powers of the Mayor, Aldermen, and Commonalty of the City of Saint John, for preventing the encumbering and filling up of the Harbour of the said City, to the Waters and places of Anchorage in the vicinity thereof.

Section 1.—When Corporation may make Bye Laws respecting Roadstead, &c.

Passed 11th March 1824.

WHEREAS it is expedient to extend the powers of the Mayor, Aldermen, and Commonalty of the City of Saint John, for preventing the encumbering and filling up of the Harbour of the said City, to the places of anchorage and waters of the Bay of Fundy contiguous or near to the said Harbour and City, and without the limits of the same ;—

Be it enacted, &c.—1. It shall and may be lawful to and for the Mayor, Aldermen, and Commonalty of the said City of Saint John, in Common Council convened, and they are hereby authorized and required from time to time as they shall find it necessary and expedient, to make any bye laws, rules, and regulations for preventing the unloading or throwing overboard of any ballast or rubbish in any roadstead, place of anchorage, or waters of the Bay of Fundy contiguous or near to the Harbour of the said City, and without the limits of the said City, or for preventing such roadsteads, places of anchorage, or waters, being in any other manner encumbered or filled up, and to enforce the observance of such bye laws, rules, or

regulations, by pains, punishments, and penalties, in such and the like manner to all intents and purposes as the said Mayor, Aldermen, and Commonalty may now do by virtue of the Charter of the said City, or otherwise by law, with regard to the Harbour and places within the limits of the said City.

9th GEORGE 4th—CHAPTER 2.

An Act to authorize the Justices of the Peace of the City and County of Saint John to raise a sum of money for completing the Court House of the said City and County.

Section.

1. Completion of Court House, what sums may be borrowed for, &c.
2. Notes made negotiable, &c.

Section.

3. For what annual assessment may be made.
4. Application of annual assessment.
5. Treasurer's fee.

Passed 5th April 1828.

Be it enacted, &c.—1. It shall and may be lawful for the Justices of the Peace in and for the City and County of Saint John, at any General Sessions of the Peace for the said City and County, to borrow such sums of money as may from time to time be required for the completion of the Court House lately erected in the said City, not exceeding in the whole the sum of four thousand pounds, to be paid off and discharged in the manner hereinafter mentioned; the same to be taken in loans of not less than one hundred pounds; and that Certificates or Notes in the following form, or to that effect, shall be prepared and delivered to the persons from whom such loans may be obtained, viz :—

“ Number ——

“ City and County of Saint John, ss.—These are to certify that [*here insert name, residence, and addition of lender*] hath lent and advanced to the Justices of the Peace for the said City and County the sum of one hundred pounds currency, which sum is payable to him or his order, together with lawful interest, pursuant to an Act of Assembly made and passed in the ninth year of His Majesty's Reign, intituled *An Act to authorize the Justices of the Peace of the City and County of Saint John to raise a sum of money for completing the Court House of the said City and County.*—Dated the day of

in the year of our Lord one thousand eight hundred and twenty

By Order of the Sessions.

C. D. Clerk.

A. B. *Presiding Justice.*"

Which same certificates or notes shall be signed by the Justice presiding at the said Sessions, and countersigned by the Clerk, and shall be respectively numbered according to the time in which the same may be made and issued, and a memorandum thereof shall be duly entered by the Clerk in the Minutes of the Court.

2. The said certificates or notes shall be negotiable in the same manner as promissory notes, and the holders thereof shall be entitled to receive interest for the same annually, to be paid by the Treasurer of the said County out of the assessments hereinafter mentioned.

3. It shall and may be lawful for the said Justices of the Peace of the said City and County, and they are hereby authorized and required to make a rate and assessment of four hundred pounds in the present year, and a rate and assessment for a like sum in each and every succeeding year, besides the charge for assessing and collecting, for the purpose of completing the said building and discharging the principal and interest of the loans contracted for that purpose by virtue of this Act, until the same shall be paid off; the said several sums to be assessed, levied, collected, and paid in such proportions and in the same manner as any other County rates for public charges can or may be assessed, levied, collected, and paid under and by virtue of any Act or Acts which at the time of making such assessments may be in force in the Province for assessing, levying, and collecting of rates for public charges.

4. The moneys to be assessed as aforesaid shall from time to time be applied, after discharging the yearly interest due on the several loans, to the payment of the principal sums mentioned in such certificates or notes in due order according to the numbers, beginning with number one; and the said County Treasurer shall from time to time give one month's public notice by advertisement in one of the Newspapers published in the said City, for calling in such and so many of the certificates as he is prepared to pay off, specifying the numbers in such advertisement; and from and after the expiration of such notice the interest on such certificates shall cease.

5. The said County Treasurer shall be entitled to the sum of three pence on the pound for his services in receiving and paying the said moneys so to be assessed under the provisions of this Act, and no more.

9th GEORGE 4th—CHAPTER 4.

An Act relative to the Streets and Squares in the City of Saint John.

Section.

1. What steps, &c., to houses may be allowed.
2. What squares, &c., may be enclosed.
3. Portico, to what building may be made.

Section.

4. Bye laws, when to be in force.
5. When confirmed.
6. Limitation.

Passed 5th April 1828.

WHEREAS in consequence of the irregularities of the ground upon which the City of Saint John is laid out, it has been found expedient to make various and extensive alterations in the level of the streets, which have rendered it necessary in many instances for the proprietors of houses fronting on such streets to erect steps or stairways in order to have access to their respective houses; and it is considered that the general width of the streets of the said City will admit the placing of such steps or stairways without any material obstruction to the passage along such streets, and the same have been authorized by the Corporation of the said City: And whereas doubts have arisen whether the said Corporation is empowered by Charter or any law now in force to permit the erection of such steps or stairways, and it is expedient that the said Corporation should be allowed to exercise such power under certain limitations and restrictions;

Be it therefore enacted and declared, &c.—1. It shall and may be lawful for the Mayor, Aldermen, and Commonalty of the City of Saint John, or the major part of them, in Common Council convened, to authorize and allow the erecting, placing, and maintaining of steps or stairways for the convenient access to the ground floor of houses adjoining any street or streets in such parts of the said City as they may deem proper, and from time to time to make, establish, and ordain such bye laws, ordinances, rules, and regulations, as well for the keeping, erecting, placing, or maintaining, as for the better regulating and ar-

ranging with uniformity such steps or stairways, and also for the taking down and removal either in whole or in part of such steps or stairways as are now erected or hereafter may be erected in the said City ; provided always, that no steps or stairways shall be allowed to extend out upon such streets or any of them more than four feet, or more than a tenth part of the breadth of such streets as are less than forty feet broad ; and provided also, that no steps leading to any other than the ground floor or story shall be placed upon any part of the said streets.

2. And whereas the enclosing of the two public Squares in the said City, called by the names of King's Square and Queen's Square, with an open fence or railing, and planting the same with trees, would conduce much to the ornament of the said City ;—It shall and may be lawful for the said Mayor, Aldermen, and Commonalty, or the major part of them, in Common Council convened, to authorize and direct the said public Squares to be enclosed either in whole or in part or parts with open fences or railings, and the same to be laid out and planted with trees and shrubs in such manner as they may deem expedient ; and from time to time to make such bye laws, ordinances, rules, and orders for the erecting, keeping, and preserving such fences, railings, and trees, in order to prevent damage or injury to the same, as also for the due regulation of such Squares and the passage of foot passengers in, through, and over the same, as to them may seem necessary and proper ; provided always, that no such enclosures shall be made so as to narrow or interfere with the passage of the public streets running along the sides of such Squares, nor shall any fences or trees be placed or set out within sixty feet of the buildings fronting on such Squares or either of them.

3. And whereas it would much add to the ornament and convenience of the Court House lately erected in the said City, on the east side of King's Square, if a portico were placed in front of the same ;—It shall and may be lawful for the Justices of the Peace of the said City and County of Saint John, in General Sessions assembled, with the consent of the Common Council of the said City, to erect, place, and maintain a portico and steps in front of the said Court House ; provided the same shall not extend more than fifteen feet upon the said public Square.

4. Provided always, that no bye law or ordinance to be made by the said Mayor, Aldermen, and Commonalty of the City of Saint John, in pursuance of this Act, shall be in force or valid until the same shall be confirmed by His Excellency the Lieutenant Governor, and His Majesty's Council, and that when so confirmed the same shall not be altered, amended, or repealed, by any other bye law or ordinance of the said Corporation, unless such other bye law or ordinance shall likewise be confirmed in the manner aforesaid.

5. Provided also, that all bye laws or ordinances, before they shall be sent up to His Excellency the Lieutenant Governor and Council for their confirmation, shall be published in one of the Newspapers of the City at least four weeks before the same shall be so sent, which publication shall be proved to the satisfaction of the Lieutenant Governor and Council before such confirmation shall be given.

6. This Act shall continue and be in force for the term of ten years and no longer.

9th GEORGE 4th—CHAPTER 7.

An Act to authorize the Mayor, Aldermen, and Commonalty of the City of Saint John, to open a Street from the Wharf on the south side of the Market Slip to the Wharf owned by Charles I. Peters, Esquire.

Section.

1. Ward Street, how opened.
2. Houses, &c., erected thereon, of what height.

Section.

3. His Majesty's rights not to be affected.

Passed 5th April 1828.

WHEREAS by an Act made and passed in the fifty eighth year of the Reign of His late Majesty King George the Third, intituled *An Act further to provide for the security of the City of Saint John against the ravages of Fire*, it is enacted that no street, lane, or alley should thereafter be laid out and established as a public street and highway within the said City unless the same should be of the width of fifty feet at least: And whereas a large number of the most respectable inhabitants of the said City have petitioned the General Assembly that authority may be granted to the Mayor, Aldermen, and Commonalty of the City of Saint John, to lay out a street from

the wharf on the south side of the Market Slip to the wharf of Charles I. Peters, Esquire, of a less width than fifty feet, such street having been originally contemplated at the laying out of the lots adjoining the said Market Slip ;—

Be it therefore enacted, &c.—1. The Mayor, Aldermen, and Commonalty of the City of Saint John shall be and they are hereby fully authorized and empowered, if they shall deem it expedient, to lay out and establish a public street or highway leading from the said wharf on the south side of the Market Slip, west of the store owned or occupied by John Ward, Esquire, to the wharf formerly belonging to Thomas Horsefield, Esquire, now in the possession of Charles I. Peters, Esquire, of such width, and under such rules and regulations as they may deem necessary ; provided that such street so to be laid out be not of a less width than thirty feet.

2. No house or store hereafter to be built on the lines of the said proposed street shall be more than three stories in height besides the gable.

3. Provided always, That nothing herein contained shall extend or be construed to affect the rights of the King's Majesty, His Heirs and Successors, or any person or persons, body politic or corporate whatsoever.

1st WILLIAM 4th—CHAPTER 12.

An Act to remove doubts respecting the competency of Citizens of the City of Saint John as witnesses in cases where the Corporation of that City is a party.

Section 1.—Who to be competent witnesses in a Suit of Corporation.

Passed 25th March 1831.

WHEREAS doubts have arisen as to the competency of citizens of the City of Saint John as witnesses in cases where the Corporation of that City is a party ;—

Be it declared and enacted, &c.—1. No person shall be deemed an incompetent witness in any case in which the Mayor, Aldermen, and Commonalty of the City of Saint John may be a party or interested, by reason of such person being an inhabitant, freeholder, or freeman of the said City.

2nd WILLIAM 4th—CHAPTER 25.

An Act to establish and regulate a Ferry and Public Landing at Indian Town, in the County of Saint John.

Section 1.—Justices, what Ferry and regulations may make.

Passed 9th March 1832. .

Be it enacted, &c.—1. The Justices of the General Sessions of the Peace for the City and County of Saint John be and they are hereby authorized and empowered to make regulations for the public landing at Indian Town, in the Parish of Portland, and to establish a Ferry from that place to the opposite shore near to Lovet's Point, and to fix the rates and fares to be taken at such ferry, and to make and ordain rules and regulations for keeping the landings upon each shore clear from rafts and other obstructions of every nature and kind whatsoever, and to fix penalties for the breach of such rules and regulations, not exceeding five pounds for any one offence, to be recovered on the oath of one or more credible witness or witnesses before any one of the Justices of the Peace for the City and County of Saint John, and levied by distress and sale of the offender's goods and chattels; one half of which penalties so recovered to be paid to the party complaining, and the other half to the Overseers of the Poor for the said Parish of Portland, for the use of the poor thereof.

3rd WILLIAM 4th—CHAPTER 11.

An Act to alter and amend the Charter of the City of Saint John.

Section 1.—Mayor or Recorder, when to be present at appointment of Chamberlain.

Passed 19th March 1833.

WHEREAS in and by the Charter of the City of Saint John the appointment of Chamberlain of the said City is to take place in manner following, that is to say, the Mayor, Recorder, and three or more Aldermen, and three or more of the Assistants of the said City for the time being, on the said first Tuesday in April in every year for ever hereafter, shall and may in Common Council name and appoint one fit person, being a freeholder or freeman, and an inhabitant of the said City, to be Treasurer or Chamberlain of the said City for the year ensu-

ing: And whereas the Mayor, Aldermen, and Commonalty of the said City, in Common Council convened, have by their Petition represented that the word "*or*" has by mistake been omitted in the said Charter, whereby in case of the absence either of the Mayor or Recorder at any time when the annual appointment of Chamberlain should take place, the same Chamberlain must continue in office for another year, although in all other cases the presence of the Mayor or Recorder in Common Council is by the said Charter declared to be sufficient;—

Be it therefore enacted, &c.—1. In all future appointments of a Chamberlain for the City of Saint John, under and by virtue of the said Charter, it shall not be necessary for both the Mayor and Recorder of the said City to be present, but the same shall be made by the Mayor or Recorder and three or more Aldermen and three or more Assistant Aldermen of the said City, in Common Council, according to the terms of the said Charter, except where the same is herein and hereby altered.

3rd WILLIAM 4th—CHAPTER 13.

An Act to provide for more effectually repairing the Streets and Bridges in the City of Saint John.

Section.

1. Repeal of Act.
2. Corporate powers, to what restricted.
3. What persons required to work on Streets.
4. Assessment for labour, by whom made.
5. Appeal.
6. What sum may be taken for labour, but no substitute allowed.
7. Surveyors of Highways, by whom and how appointed, &c.
8. Common Clerk's duty. Oath of Surveyors, &c.

Section.

9. Neglecting, &c., to accept office, &c.; penalty.
10. Surveyors' and Collectors' duties.
11. Where Corporation may direct work to be done.
12. Separate accounts to be kept, by whom and how.
13. Lists of persons liable to work, by and to whom to be furnished. Penalty.
14. Recovery of amount assessed, when and how; application. When labourer may be dismissed, &c.

Passed 13th March 1833.

WHEREAS the Mayor, Aldermen, and Commonalty of the City of Saint John, by the Charter of the said City ratified by an Act of the General Assembly, are authorized and empowered to make, lay out, alter, amend, and repair the streets, highways, and bridges in and throughout the said City and the vicinity thereof, and also beyond the limits of the said City on either side thereof throughout the County of Saint John: And

whereas in accordance with the petition of the Mayor, Aldermen, and Commonalty of the said City of Saint John, it is expedient that the powers of the said Mayor, Aldermen, and Commonalty of the said City, respecting the streets, highways, and bridges as aforesaid, should not extend beyond the limits of the said City : And whereas it is just and equitable that the freemen and inhabitants of the said City should do and perform days' work as the other inhabitants of the Province, for the purpose of completing and amending the public roads and bridges of the said City ;—

Be it therefore enacted, &c.—1. That an Act made and passed in the second year of the Reign of His present Majesty, intituled *An Act further to continue the Acts relative to Streets and Highways in the City and County of Saint John*, be and the same is hereby repealed.

2. The powers given in and by the Charter of the City of Saint John relative to the streets, highways, and bridges of the City and County of Saint John, shall not extend or be construed to extend to give the Mayor, Aldermen, and Commonalty of the said City authority to make, lay out, alter, amend, and repair the said streets, highways, and bridges in and throughout any part of the said County of Saint John ; provided that nothing herein contained shall extend to alter or abridge the powers of the said Mayor, Aldermen, and Commonalty of the said City to make, lay out, alter, amend, and repair the said streets, highways, and bridges in and throughout the limits of the said City of Saint John, according to the provisions of the Charter ; and provided also, that all roads, streets, and highways heretofore laid out, and which are now used as such, and also all public bridges heretofore built and now used as such, shall be and the same are hereby deemed and established to be the public roads, streets, highways, and bridges of the said City and County, and shall continue so to be until the same shall be altered by the proper authorities.

3. All freemen and other male inhabitants of the said City, of the age of sixteen years and upwards, shall perform labour on the streets and highways of the said City, at and after the following rates, that is to say, hired servants, common labourers, licenced school masters, apprentices, and other persons under the age of twenty one years, two days ; journeymen

mechanics and other persons not coming within the description of persons before designated, whose whole property, real and personal, may not exceed one hundred pounds, three days ; all persons whose real and personal property may exceed one hundred pounds and not exceed two hundred and fifty pounds, four days ; exceeding two hundred and fifty pounds and not exceeding four hundred pounds, five days ; exceeding four hundred pounds and not exceeding seven hundred and fifty pounds, six days ; exceeding seven hundred and fifty pounds and not exceeding one thousand pounds, seven days ; exceeding one thousand pounds, eight days ; exceeding two thousand pounds and not exceeding five thousand pounds, or whose yearly income, from whatever source arising, exceeds three hundred pounds, twelve days ; exceeding five thousand pounds, or whose yearly income exceeds five hundred pounds, sixteen days ; and all other male inhabitants of the age of twenty one years, who may not be included in any of the foregoing description of persons, four days : provided always, that upon application to the Mayor, Recorder, and Aldermen of the said City, or any two of them, they shall and may, at their discretion, lessen the number of day's work to be performed by any poor or indigent person.

4. It shall be the duty of the Assessors of Rates for the City of Saint John, on or before the tenth day of May in each year, to make the assessment of statute labour on the freemen and inhabitants of the said City, according to the scale hereinbefore mentioned, if required so to do by the said Mayor, Aldermen, and Commonalty ; or the said Mayor, Aldermen, and Commonalty may, if they think fit, nominate and appoint three or more fit persons to be assessors for that purpose, who shall be duly sworn to the discharge of their duty, and liable to the like penalties for refusal to act, or neglect of duty, as other assessors in the said City.

5. In case any person in the City of Saint John shall deem himself aggrieved by any assessment made under this Act, it shall and may be lawful for him to appeal to the Common Council of the said City, who shall examine into the merits of the said appeal, and whose decision shall be final ; provided that a memorandum of every such appeal shall be entered in the Common Clerk's office, within fifteen days after the appellant shall have

received notice of the said assessment, with an affidavit annexed, in the form following, or to that effect :—

‘ I , resident in , do make oath that all the property, real and personal, owned by me, or by any other person in trust for me, or for my use, whatsoever and wheresoever, does not exceed in value, and that my yearly income does not exceed [*or, in case of the person appealing being among the first class of persons who are to pay but two days, the affidavit shall be that he is a hired servant, common labourer, licenced school master, apprentice, or person under the age of twenty one years*]. Sworn the day of 18 , before , Justice of the Peace.’

And in case the appeal be allowed, the rate shall be amended accordingly, and the Common Council may in their discretion direct the collector or collectors to repay, out of the moneys collected by him, the amount overcharged, or to make allowance therefor in the labour of the next year in case the appellant should have performed the whole labour assessed prior to hearing the appeal.

6. If any person assessed for statute labour shall prefer paying money to doing such labour, it shall and may be lawful for the collector or collectors to be appointed by the Mayor, Aldermen, and Commonalty, within the City of Saint John, to take and receive the same at and after the rate of two shillings and six pence per day for each day’s labour required to be done by such person ; and no person whosoever shall be permitted to work by substitute.

7. The Mayor, Aldermen, and Commonalty of the said City, in Common Council convened, are hereby authorized and required on the third Tuesday in March, or within the next four successive days, in each and every year to appoint, by warrant or warrants under the Common Seal of the said City, one or more fit person or persons to be a surveyor or surveyors of the Highways for the said City, assigning to him or them in such warrants the limits of the district within and over which he or they shall exercise the duties and powers incident to his or their office, both with respect to the times and places where the work is to be performed, and the persons to be summoned to perform such work ; and in case of the refusal of any such person or persons to accept of such office, or in case of any

vacancy by death or removal, or other incapacity of such surveyor or surveyors to perform the duties of his or their office, the said Mayor, Aldermen, and Commonalty are authorized and required in like manner to appoint another or others in his or their place.

8. It shall be the duty of the Common Clerk of the said City, immediately after the making of any appointment as aforesaid, to deliver or transmit to the said surveyor or surveyors so appointed, his or their warrant or warrants of appointment; and each and every person so appointed shall, within fourteen days after receiving the same warrant, be duly sworn to the faithful performance of the duties of his or their office, before the Mayor, Recorder, or either of the Aldermen of the said City, which oath they are hereby severally authorized and required to administer, and to endorse a certificate thereof upon each of the said warrants of appointment.

9. Each and every person so to be appointed, who shall neglect and refuse to accept of the office of surveyor as aforesaid, and to take the oath herein before required within the time limited as aforesaid, or shall neglect or refuse to do and perform any of the duties herein required of him, shall for each and every offence forfeit and pay the sum of three pounds, to be recovered before any one of His Majesty's Justices of the Peace, by and in the name of the Chamberlain of the said City, on the oath of one or more credible witness or witnesses, or on confession, and levied with costs of prosecution by warrant of distress and sale of the goods and chattels of the offender, and to be laid out on the highways, streets, and bridges of the said City.

10. It shall be the duty of the several surveyors of highways within the said City, appointed by the Mayor, Aldermen, and Commonalty as aforesaid, on or before the fifteenth day of May in each and every year, to make out and transmit to the Chamberlain of the said City, lists of all persons within their respective districts who are by law liable to work upon the highways, streets, and bridges, and after the assessment list is handed to them to summon the said persons to work, and superintend them, and from time to time in each and every year to render to the collector or collectors of taxes for the said City, lists of all persons who may be defaulters, and the said collector

or collectors shall forthwith proceed to recover the sums due from such defaulters ; and the said surveyor or surveyors, and collector or collectors, shall render to the Chamberlain of the said City all their lists and accounts in complete order, on or before the first day of December in each and every year, under the penalty, for every default, of ten pounds.

11. Provided always, that whenever the said Mayor, Aldermen, and Commonalty shall direct any surveyor to work in a particular part of, or any particular place or bridge within his district, or to take any number of persons belonging to his district out of such district into the next adjacent district, it shall be the duty of the said surveyor to attend to the same, and perform such duty so required of him.

12. The said Chamberlain of the said City shall keep an account of moneys received by him by virtue of this Act, separate and distinct from the accounts of other funds in his hands, and obey all orders of the Common Council of the said City for the expenditure thereof ; and on or before the first day of April in each year shall make out an account, with vouchers, of all moneys received and paid by him as aforesaid, and lodge the same with the Clerk of the said Common Council, together with the lists and accounts which he may have received from the said surveyors and collectors, to be laid before the said Common Council.

13. Every person when called upon by the surveyor of any district within the said City, shall within twenty four hours give and render to the said surveyor a particular account and statement, in writing, containing the names of all persons who may be in his, her, or their employ, or who may be resident in the house kept or occupied by such person or persons, and who may be liable to perform labour on the highways ; such statement to contain not only the names of persons belonging to his, her, or their family, but also the names of any boarders, lodgers, and domestic servants who may be liable as aforesaid ; and if any such person or persons shall neglect or refuse to render such account when so called upon, or shall give or render a false or incorrect account or statement, he or she shall forfeit and pay the sum of five pounds, to be sued for and recovered by and in the name of the Chamberlain of the said City, in the City Court of the City of Saint John, or before

any one Justice of the Peace in and for the City and County of Saint John, for the use of the said Mayor, Aldermen, and Commonalty, to be by them specially applied in making, altering, and repairing the roads within the said City.

14. If any person or persons when so summoned to labour as aforesaid by the surveyors of their respective districts, shall neglect or refuse to appear agreeably to such summons, he or they shall be taken to have made their election to pay at and after the rate of two shillings and six pence per day, according to the number of days they may be assessed; and if he or they shall neglect or refuse to pay the same when required by the collectors within the City, the same may be recovered by and in the name of the Chamberlain of the said City for the time being, before the City Court, or before any one Justice of the said City and County, and when recovered, applied to the use of the said Mayor, Aldermen, and Commonalty, for the making, altering, and repairing the roads within the said City; and if any person who shall appear agreeably to such summons, and being under the directions of such surveyor, shall refuse or neglect to work, or shall not work in such manner as to satisfy such surveyor, he is hereby empowered to dismiss such person from the work, and the Chamberlain shall proceed against him in the same manner as herein before directed to be done against persons neglecting to appear and labour after being duly summoned, to be recovered, used, and applied as in the case last aforesaid.

3rd WILLIAM 4th—CHAPTER 21.

An Act to prevent the importation and spreading of infectious Distempers in the City of Saint John.

Section.

1. Repeal of Acts.
2. Vessels when not to proceed up the Harbour of Saint John, how inspected. Physician's and Common Council's duty. Penalties.
3. What vessels to hoist signals, &c, when.
4. Who not permitted to land, and when. Penalty.
5. Instructions for Pilots.
6. Physicians, when and by whom appointed; duties and powers, fees and penalties; Masters making false report, &c., penalty.

Section.

7. Boarding Vessels having signals, &c., penalty, &c. Departing from, penalty, &c.
8. When persons may be landed from Vessels in Quarantine. Vessels how purified, &c. Breaking Quarantine, when persons may be conveyed back, &c.
9. Special Constables, appointed by whom, and for what purposes. Intercourse with persons in Quarantine, when landing prohibited, penalty, &c.
10. Infectious diseases breaking out among such persons, what proceedings.
11. Recovery and application of penalties.

Passed 19th March 1833.

WHEREAS the several Acts relative to the importation and spreading of infectious distempers in the City of Saint John, have by experience been found inadequate ;—

Be it enacted, &c.—1. An Act made and passed in the tenth and eleventh years of the Reign of His late Majesty King George the Fourth, intituled *An Act to repeal all the Acts now in force relative to the importation and spreading of infectious distempers in the City of Saint John, and to make more effectual provision for preventing the same* ; and also an Act made and passed in the first year of the Reign of His present Majesty, intituled *An Act to amend an Act, intituled ‘An Act to repeal all the Acts now in force relative to the importation and spreading of infectious distempers in the City of Saint John, and to make more effectual provisions for preventing the same ;’* and also an Act made and passed in the second year of the Reign of His present Majesty, intituled *An Act further to amend the Act relative to the importation and spreading of infectious distempers in the City of Saint John, and to extend the provisions thereof*, be and the same are hereby repealed.

2. No vessel arriving in or near the harbour of Saint John, having on board the small pox, yellow fever, or other pestilential or contagious distemper, or coming from any port or place infected with any such distempers, or at or near which any such distempers at the time of her departure were known or supposed to prevail, or from any port or place in the West Indies, South America, the United States of America from Boston and the southward of Boston, Bermuda, Africa, or the Mediterranean, or having passengers on board from any port or place in the world (save and except in this Province, Canada, Nova Scotia, Prince Edward Island, Newfoundland, and the United States of America to the northward of Boston), between the first day of May and the first day of November in any year, or on board of which said vessel any person during the voyage had been sick or had died of any such distemper, shall come, proceed, or be navigated or conducted further or higher up into the harbour of Saint John than a line running from the west point of Partridge Island westerly until it meets Negro Town Point, and east from the eastern point of Partridge Island extending till it reaches the shore to the northward of Black Point ; or, in case the Mayor, Aldermen, and Common-

alty of the City of Saint John in Common Council convened, shall by their order or notice in writing grant permission, further or higher up than a line to run from the Breakwater to Sand Point in Carleton, until such vessel shall have been duly inspected and examined by the Physician or Physicians to be for that purpose appointed as hereinafter mentioned, nor until the said Physician or Physicians shall signify his or their consent and permission, in writing, that such vessel may proceed without danger to the inhabitants of the said City; and if on such inspection and examination as aforesaid, the said Physician or Physicians shall consider that danger is likely to result to the inhabitants of the said City, from permitting the said vessel to proceed further than the said outer line, or inner line if so ordered by the said Common Council, or if the said Physician or Physicians shall be directed by the said Common Council so to do, he or they shall order the said vessel to be brought to anchor without the outer line aforesaid, or the said inner line if so established for that purpose by the said Common Council, and remain there for such space of time, not exceeding three days, to be fixed by the said Common Council, unless the said Common Council of the said City shall ordain and direct that the said vessel shall perform quarantine; in which case the master or commander of such vessel shall either cause the same to remain in the place where she was first brought to anchor under the orders of the visiting Physician or Physicians as aforesaid, or shall forthwith cause the said vessel, with all the persons, goods, and cargo on board thereof, to be removed to, and to anchor at such place and for such length of time, not exceeding forty days, as the said Common Council may think proper to direct and appoint; and the same vessel, with the persons, goods, or cargo, or either of them, a committee of the said Common Council, consisting of the Mayor or Recorder and not less than two of the Aldermen of the said City, may at any time discharge from the said quarantine; and during the time such vessel shall be detained by the said Physician or Physicians as aforesaid, or shall be performing such quarantine, the master or commander thereof shall not permit or suffer any intercourse between the persons on board the said vessel and the shores on either side of the said harbour, or within the County of Saint John, or between the said vessel

and any other vessel or vessels in or near the said Harbour, except under the direction of the said Physician or Physicians; and the master or commander of any such vessel who shall bring such vessel further up than either of the lines aforesaid, without the permission in writing of the Physician or Physicians aforesaid, and if the inner line, without the permission of the said Common Council in addition thereto, and the master or commander of any such vessel, and all and every other person or persons belonging to and being on board such vessel, who shall disobey any such orders and directions as aforesaid, or shall neglect to execute and perform the same, or who shall come on shore or go on board of any other vessel or vessels within or near to the said harbour, or shall presume to bring or put, or aid or assist in bringing or putting on shore or on board any other vessel or vessels as aforesaid, any person or any goods from any such vessel so detained by such Physician or Physicians as aforesaid, or which shall be ordered to perform quarantine as aforesaid, without the licence and permission of the said Physician or Physicians being for that purpose first obtained, and the permission of the said Common Council, shall for each and every offence forfeit and pay the sum of two hundred pounds of current money of the Province of New Brunswick, or to be imprisoned for a time not exceeding twelve months in case the same shall not be paid.

3. The master or commander of every vessel having on board the small pox, yellow fever, or other pestilential or contagious distemper, or coming from any port or place infected with such distempers, or at or near which any such distempers at the time of her departure were known or supposed to prevail, or from any port or place in the West Indies, South America, the United States of America from Boston and the southward of Boston, Bermuda, Africa, or the Mediterranean, or having passengers on board from any port or place in the world (save and except in this Province, Canada, Nova Scotia, Prince Edward Island, Newfoundland, and the United States of America to the northward of Boston), between the first day of May and the first day of November in any year, or on board of which said vessel any person during the voyage had been sick, or had died of any such distemper, before coming abreast of Partridge Island, at the entrance of the harbour of Saint

John, shall cause the said vessel's ensign or such other colour as shall be on board, to be hoisted in the larboard main rigging, and shall continue the said signal so hoisted until the said vessel shall have been inspected and examined by the said Physician or Physicians, and a licence be had from him or them to remove the same, and if detained by the said Physician, or ordered into quarantine, shall hoist such other signal as the said visiting Physician shall give to the master or commander for that purpose, or any signal which may be on board, and continue the same hoisted during the day time in such part of the vessel as may be directed, so long as detained, in order to give notice of the detention of the said vessel under this Act, under the penalty of twenty pounds for each and every offence.

4. No master or commander of any vessel arriving in the Bay of Fundy, and having on board any pestilential or contagious distemper, or in any particular circumstanced as in the second and third Sections of this Act specified, shall land, or suffer or permit to be landed, any person or persons whomsoever, or himself land from the said vessel, on any part or place whatever within the City and County of Saint John, until he shall bring the said vessel into the harbour of Saint John, in order that he may comply with the several requisitions of this Act, under the penalty of two hundred pounds.

5. The several branch pilots belonging to the City of Saint John shall be furnished with printed instructions, containing a notice to the following effect, viz :—

“That no vessel having the small pox, yellow fever, or other pestilential or contagious distemper on board, or having come from any place infected with any such distempers, or at or near which any such distempers were known or supposed to prevail at the time of her departure, or from any port or place in the West Indies, South America, the United States of America from Boston and the southward of Boston, Bermuda, Africa, or the Mediterranean, or having passengers on board from any port or place in the world (save and except in this Province, Canada, Nova Scotia, Prince Edward Island, Newfoundland, and the United States of America to the northward of Boston), between the first day of May and the first day of November in any year, or on board of which any person had

been sick or had died of any such distempers during the voyage, shall proceed or be navigated further or higher up into the harbour than a line running westerly from the western point of Partridge Island till it meets Negro Town Point, and east from the eastern point of Partridge Island and extending till it reaches the shore to the northward of Black Point, or to the northward of a line running westwardly from the Breakwater to Sand Point in Carleton, in case the said inner line shall be permitted by the said Common Council; and that the master or commander of any such vessel shall not go or put on shore or on board of any other vessel, or suffer any other person to go or put on shore or on board any other vessel, any person or goods out of the said vessel, until such vessel shall have been inspected and examined by the Physician or Physicians, and his or their licence for that purpose obtained, under the penalty of two hundred pounds; and further, that the said master or commander shall cause the said vessel's ensign, or such other colour as shall be on board, to be hoisted in the larboard main rigging, before the said vessel shall come abreast of Partridge Island, and shall continue the same so hoisted until leave be granted by the said Physician or Physicians to remove the same, under the penalty of twenty pounds; and further, that no master or commander of any vessel arriving in the Bay of Fundy, and having on board any pestilential or contagious distemper, or in any particular circumstanced as herein before in the said notice mentioned, shall land, or suffer or permit to be landed, any person or persons whomsoever, or himself land from the said vessel, or on any part or place whatever within the City and County of Saint John, until he shall bring the said vessel into the harbour of Saint John, in order that he may comply with the several requisitions of this Act, under the penalty of two hundred pounds for such offence." And it shall be the duty of the said pilots on first boarding every vessel coming or intending to come into the harbour of Saint John, to read such notice to the master or commander of such vessel, or communicate to him the purport and effect of such notice; and any branch pilot who shall neglect his duty in this respect, shall for the first offence forfeit and pay the sum of ten pounds, and for the second offence, in addition to the penalty of ten pounds, be prevented for ever after from

holding a branch ; and if any person or persons, whether pilots or others, shall come or be put on shore from any such vessel, unless by the direction of the said Physician or Physicians, it shall and may be lawful for the Mayor, or any one of the Aldermen of the said City, or of the Justices of the Peace for the City and County of Saint John, to cause such person or persons to be apprehended and carried back to such vessel, or to such other place as may be appointed for the reception of persons under such circumstances, so as to prevent the spread of infection ; and if any such person should be a pilot, he shall forfeit and pay the sum of twenty pounds.

6. The Mayor, Aldermen, and Commonalty of the said City, in Common Council convened, be and they are hereby authorized and required at the usual time of appointing Charter officers in every year, and oftener if need be, to nominate and appoint one or more Physician or Physicians, who shall have power and authority, and whose duty it shall be to go on board, visit, inspect, and examine all vessels arriving in the harbour of Saint John, and on board of which such signal shall have been so hoisted in the larboard main rigging as aforesaid, or on board of any other vessel which may be suspected of having on board the small pox, yellow fever, or other pestilential or contagious distemper, and to make full inquiry and examination into the state of the health of all persons on board any such vessels, or who have been on board during any part of the voyage, and whether the said vessel came from or near or touched at any place infected with any of the distempers aforesaid, or at or near which at the time of her departure any such distempers were known or supposed to prevail ; and if the said Physician or Physicians, on such inspection and examination, shall consider that no danger is likely to result to the inhabitants of the said City from suffering such vessel to proceed into the harbour, and he or they have no order to the contrary from the Common Council of the said City, he or they shall give a licence in writing to the master or commander of such vessel for that purpose, and thereupon such vessel may proceed ; but if the said Physician or Physicians should entertain any doubts as to such danger, then he or they shall immediately require the master or commander of such vessel to bring the said vessel to anchor without the outer line aforesaid,

or the said inner line if appointed by the Common Council aforesaid ; and the said Physician or Physicians shall thereupon forthwith make a report thereof in writing to the Mayor, or in his absence, the Recorder of the said City, with his or their opinion or advice relative thereto ; and any master or commander of any such vessel who shall refuse to give, or who shall not give to such Physician or Physicians, a full, true, and accurate statement and report of the state of health of all persons on board the said vessel, or who have been on board thereof during any part of the voyage, and of all and every the particulars aforesaid, shall forfeit and pay the sum of two hundred pounds ; and the said Physician or Physicians who shall be guilty of any unnecessary delay in going on board, inspecting and examining any such vessel as aforesaid, or any other branch of his or their duty specified in this Act, shall be by them displaced from office, which may also be done by the said Common Council in their discretion, in any case where they shall conceive the public good requires it ; and such Physician or Physicians who shall go on board, visit, inspect, and examine any such vessels as aforesaid, shall for each and every such visit, inspection, and examination, be entitled to demand and receive from the master, owner, or consignee of such vessel so visited, inspected, and examined, according to the following scale, to wit :—

For vessels under one hundred tons burthen, the sum of seventeen shillings and six pence ;

For ditto of one hundred tons and under two hundred tons, twenty shillings ;

For ditto of two hundred tons and under three hundred tons, twenty five shillings ;

For ditto of three hundred and more than three hundred tons, thirty shillings.

The said sums to be sued for and recovered in any Court competent to take cognizance of the same ; provided always, that in case it shall be found necessary for the said Physician or Physicians to make more than one visit on board any such vessel or vessels, he or they shall be entitled to receive one third only of the aforementioned rates for every additional visit so made, according to the size of the vessel.

7. No person or persons whosoever, other than the Physician or Physicians appointed as aforesaid, shall go on board

any vessel so arriving as aforesaid, which shall have such signal so hoisted in the larboard main rigging as aforesaid, or which having come to anchor shall continue to have such signal so hoisted as aforesaid, or which shall be lying at anchor, before being licenced to come up the harbour, or before or after being ordered into quarantine as aforesaid, under the penalty of twenty pounds for each and every offence; and if any person or persons other than the Physician or Physicians aforesaid, shall go on board any such vessel, then and in such case the master or commander, or any person in charge of such vessel for the time being, is hereby authorized and required to keep and detain such person or persons on board the said vessel until such licence as aforesaid be given for the said vessel to proceed, or until the expiration of such time as she shall be detained by the said Physician or Physicians, or be lying in quarantine, or an order from the said Common Council or a committee thereof as aforesaid, for that purpose to be obtained on report of the said Physician or Physicians; and if any person or persons so having unlawfully gone on board any such vessel as aforesaid, shall go on shore or depart from said vessel before such licence as aforesaid, or before the expiration of the said time the said vessel shall be so detained by the said Physician, or the time appointed for the said vessel to perform quarantine, or permission be given for him or them to depart as aforesaid, then and in such case every such person or persons so offending as aforesaid, and the master or commander of any such vessel so permitting such person or persons to go on shore or to depart from the said vessel, and every other person aiding and assisting therein, shall for each and every offence severally forfeit and pay the sum of fifty pounds; and it shall and may be lawful for the Mayor or Deputy Mayor, or any one of the Aldermen of the said City, or one of the Justices of the Peace for the said City and County, to cause such person or persons to be carried back to such vessel, or to such other place as may be appointed by the Mayor, Aldermen, and Commonalty of the City of Saint John, in Common Council convened, for the reception of persons under such circumstances, so as to prevent the spread of the infection.

8. Before and during the time any such vessel shall be

ordered to perform quarantine as aforesaid, it shall and may be lawful for the Mayor, Aldermen, and Commonalty of the City of Saint John, in Common Council convened, if on the report of the Physician or Physicians aforesaid it shall be judged expedient, to order and direct that the persons on board such vessel, whether passengers or otherwise, may be landed therefrom and conveyed to Partridge Island, or such other place or places as may be appointed for the reception of persons under such circumstances, in order to facilitate the recovery of those who are infected, to prevent the spreading of disease among such persons so on board such vessel, or any other such purpose, and have the vessel cleansed and fumigated; and the persons so landed as aforesaid shall remain at such place or places so appointed as aforesaid until they are restored to health, and their clothes thoroughly cleansed, if diseased, under the direction of the Physician or Physicians aforesaid, and his or their certificate be obtained that they may safely proceed to the City without danger to the inhabitants thereof, to be laid before the said committee of the said Common Council of the said City, and their order had for liberty to leave such place or places as aforesaid; and the said vessel from which the said persons shall be so landed shall be thoroughly cleansed and purified as far as convenient under the direction of the said Physician or Physicians, and when so cleansed and purified the said Physician or Physicians shall report the same to the Mayor or Deputy Mayor, or in case of his absence, the Recorder, who shall lay the same before the said committee of the said Common Council of the said City, who may in their discretion grant a licence or order for the liberation of the said vessel from quarantine as aforesaid; and in case any person or persons shall depart from the place or places to which they may have been conveyed from the said vessel, without the order of the said committee of the said Common Council for that purpose had as aforesaid, it shall and may be lawful for the Mayor, Recorder, or any one of the Aldermen of the said City, or one of the Justices of the Peace for the City and County of Saint John, to cause such person or persons to be apprehended and carried back to the place or places whence he or they may have so departed, or to be otherwise disposed of so as to prevent the spread of the infection.

9. If any persons from any ship or vessel, before or whilst the said vessel is performing quarantine as aforesaid, shall be landed by the order of the said Mayor, Aldermen, and Commonalty, in Common Council convened, either at Partridge Island or any other place or places to which by the authority of this Act they may be conveyed, it shall and may be lawful for the said Mayor, Aldermen, and Commonalty so convened, to appoint such and so many special constables, and so often as may be found expedient, to prevent intercourse with the said persons so landed, and the said constables or any of them, at any time when the said Mayor, Aldermen, and Commonalty so convened shall think proper, to displace and discharge, and another or others, if need be, to put in their room; and the said constables are hereby authorized and empowered to prevent all intercourse between the persons so landed and persons from the shores on either side of the Harbour, or from any part of the City and County of Saint John, and those which may remain on board the vessel, or between the said persons so landed and any vessel in the said Harbour, except under the direction and by the order of the said Common Council of the said City; and no person or persons other than the Physician or Physicians appointed as aforesaid, or some person or persons by the said Common Council authorized for that purpose, shall be permitted to have any intercourse with the persons so landed as aforesaid, under the penalty of twenty pounds for each and every offence; and if any person or persons other than the said Physician or Physicians, or any person or persons so by the said Common Council authorized for that purpose, shall have any intercourse with the persons so landed, then and in such case the constable or constables appointed as aforesaid are hereby authorized and required to keep and detain such person or persons at the place or any one of the places appointed as aforesaid for the said persons as aforesaid to be kept, until permission be had from the said Common Council for him, her, or them to depart; and if any such person or persons so having unlawfully had intercourse with the said persons so landed as aforesaid, shall depart from the place so appointed as aforesaid, before such permission as aforesaid shall have been given for him, her, or them to depart, every person so offending shall forfeit and pay the sum of fifty

pounds ; and it shall and may be lawful for the Mayor of the said City, or Recorder, or any one of the Aldermen thereof, or one of the Justices of the Peace for the said City and County, to cause such person or persons to be apprehended and carried back to the place whence he, she, or they may have so departed, or to be otherwise disposed of so as to prevent the spread or danger of infection.

10. If any disease of an infectious, contagious, or pestilential nature should break out among any persons landed or coming into any part of the City and County of Saint John, whether contrary to the provisions of this Act or otherwise, or on board of any vessel which shall be in the Harbour or at any of the wharves of the said City, either with or without permission of the visiting Physician or Physicians, or other proper authority under this Act, it shall and may be lawful for the said Committee of the said Common Council to order and direct the removal of the said person or persons so diseased, and any other person or persons by or among whom it may be feared the infection may spread, to some proper place as far as conveniently may be, to prevent communicating the infection to others, and also to remove the said vessel so having the said infection on board to the quarantine ground.

11. All the penalties and forfeitures herein before mentioned may be prosecuted, sued for, and recovered in the Supreme Court, or in the Inferior Court of Common Pleas for the said City and County of Saint John, by action of debt, bill, plaint, or information, by any one who shall prosecute for the same within forty days after the commission of the offence, and when recovered shall be paid, one moiety to the person so suing and prosecuting, and the other moiety to be paid into the Treasury of the Province for the use and support of the Government thereof; and if no person shall so sue and prosecute within forty five days, that then the said penalties and forfeitures shall be sued for and recovered by information of His Majesty's Attorney General in the said Supreme Court, and when recovered to be paid, after deducting the costs and charges of prosecution, into the said Treasury for the use aforesaid ; and all and every person or persons guilty of a breach of any one or more of the provisions of this Act before specified, shall and may be arrested and held to bail according to the practice of

the said Courts, for the penalty or penalties accruing by reason of such breach or breaches thereof, at the suit of the person herein before entitled to sue for the same, by virtue of an order for that purpose to be obtained under the hand of any Judge of either of the said Courts, on proper affidavits being laid before him, satisfactorily establishing the breach of all or any of the provisions aforesaid, which order any one of the Judges of the said Courts is hereby authorized to grant; and in default of giving such bail, such person or persons so as aforesaid ordered to be held to bail shall be committed to prison, or to such other place within the said City and County, in case he or they should be infected with any such infectious, contagious, or pestilential distemper aforesaid, as the said Mayor, Aldermen, and Commonalty of the said City, shall order, to prevent the spreading of such distemper, to await his or her trial.

3rd WILLIAM 4th—CHAPTER 32.

An Act to prevent Nuisances within the City of Saint John, and Parish of Portland in the County of Saint John.

Section.

1. Repealed.
2. Handsleds of coasters to be seized, &c.

Section.

3. Unwholesome dead meats, &c., when seized, &c.

Passed 19th March 1833.

Be it enacted, &c.—1. Repealed by 7 W. 4, c. 21, s. 1.

2. From and after the passing of this Act, no person or persons whosoever shall be permitted to coast or ride down any of the hilly parts of the said City of Saint John, or such parts of the Parish of Portland within the County of Saint John, as may be prohibited by the Justices of the Peace for the said City and County at any General or Special Sessions, on any handsled or sleds, or other vehicle or vehicles; and in case any person or persons whosoever shall be found coasting on any such sled or sleds, vehicle or vehicles, down such hilly parts of the said City or Parish as shall be prohibited by the said Justices as aforesaid, it shall and may be lawful for the Mayor, or any one of the Aldermen or Assistants of the said City, or any one of the Justices of the Peace for the said City and County, or any person or persons to be appointed or authorized

by them or either of them, or any constable of the said City, or City and County, to seize, take, and destroy the said sled or sleds, vehicle or vehicles, on which such person or persons may be found coasting as aforesaid.

3. No person or persons whosoever shall sell or expose to sale any bad or unwholesome dead meats, poultry, or other provisions, within the said City and County; and in case such bad or unwholesome dead meats, poultry, or other provisions, shall be sold or exposed to sale as aforesaid, it shall and may be lawful for the said Mayor, or any one of the Aldermen or Assistants of the City aforesaid, within the said City, or any one of the Justices of the Peace for the City and County aforesaid, within the said County, or any person or persons to be authorized or appointed by them or either of them, to seize, take, and destroy the said bad or unwholesome dead meats, poultry, or other provisions aforesaid.

4th WILLIAM 4th—CHAPTER 8.

An Act to explain the Act for preventing the importation and spreading of infectious Distempers in the City of Saint John.

Section 1.—To what vessels certain Sections of former Act shall extend.

Passed 22nd March 1834.

WHEREAS doubts have arisen whether the second, third, fourth, and fifth Sections of an Act made and passed in the third year of His present Majesty's Reign, intituled *An Act to prevent the importation and spreading of infectious Distempers in the City of Saint John*, are applicable to the cases of vessels arriving in or near the Harbour of Saint John or in the Bay of Fundy at any other period of the year than between the first day of May and the first day of November in every year;—

Be it therefore enacted, &c.—1. The prohibitions, restrictions, directions, penalties, and inflictions in the said Sections contained, shall and are hereby declared to be applicable to all cases of vessels arriving in or near the Harbour of Saint John or in the Bay of Fundy during any part of the year, having on board the small pox, yellow fever, or other pestilential or contagious distemper, or coming from any port or place infected with any such distempers, or at or near which any such distempers at

the time of their departure were known or supposed to prevail, or on board of which said vessels any person or persons during the voyage had been sick or had died of any such distempers.

7th WILLIAM 4th—CHAPTER 12.

An Act to provide for increasing the number of Constables in the City of Saint John, and for appointing Special Constables in the City and County of Saint John.

Section.

1. What number to be appointed.
2. When may be dismissed.
3. When special constables may be appointed.

Section.

4. When may be removed, &c.
5. Powers of special constables.
6. Assaulting, &c. ditto.
7. Repealed.

Passed 1st March 1837.

WHEREAS the number of constables authorized by law to be appointed for the City of Saint John is insufficient in the present increased state of the population of the said City, and circumstances may from time to time arise rendering the appointment of a number of special constables necessary ;—

Be it therefore enacted, &c.—1. The Mayor, Aldermen, and Commonalty of the said City of Saint John, or the major part of them in Common Council convened, shall on the first Tuesday in April in each and every year, or so soon after as may be convenient, name and appoint such and so many of the inhabitants of the said City, being freeholders there or freemen of the said City, as they shall see convenient to appoint, not to exceed the number of twenty two, to be constables in the said City for the ensuing year, in addition to the number which may be elected or appointed under and by virtue of the Charter of the said City or any Act of Assembly now in force; which said additional constables shall be subject to the same rules, regulations, pains, penalties, and forfeitures, and liable to the same proceedings under the like circumstances, and in all respects, as the said constables appointed or to be appointed under and by virtue of an Act made and passed in the fifty sixth year of the Reign of King George the Third, intituled *An Act to increase the number of Constables in the City of Saint John.*

2. If any constable in the said City, whether elected under the Charter, or appointed by virtue of this or any other Act of Assembly, shall be guilty of any neglect of duty or misbehaviour in the execution of his office, the said Mayor, Aldermen, and

Commonalty of the said City, or the major part of them in Common Council convened, shall and may have full power to dismiss such constable from his office, and appoint any other person, being a freeholder or freeman of the said City, in his stead.

3. In all cases where it shall appear to the Mayor or Recorder of the City of Saint John and one Justice of the Peace for the City and County of Saint John, that any tumult, riot, or felony has taken place, or may be reasonably apprehended in the City of Saint John or its vicinity, and such Mayor or Recorder and Justice shall be of opinion that the ordinary officers appointed for preserving the peace are not sufficient for the preservation of the peace, and for the protection of the inhabitants, and the security of the property in the said City of Saint John or its vicinity, then and in every such case the said Mayor or Recorder and Justice are hereby authorized to nominate, appoint, and swear in so many as they shall think fit, of the householders or other persons residing in such City or its vicinity as aforesaid, to act as special constables, for such time and in such manner as to the said Mayor or Recorder and Justice aforesaid shall seem fit and necessary for the preservation of the public peace, and for the protection of the inhabitants, and for the security of the property in the said City and its vicinity; and the vicinity of the City of Saint John shall, for the purposes of this Act, be deemed to include each of the Parishes in the County of Saint John immediately adjoining the said City; and any two Justices of the Peace in the County of Saint John shall under like circumstances have like power and authority to appoint persons residing in the said County to act as special constables for the said County; and the said Mayor or Recorder and Justices aforesaid respectively, shall at the time of such appointment administer to each of the said special constables so to be appointed, the following oath, that is to say:—

‘I do swear that I will well and truly serve our
‘Sovereign Lord the King in the office of special constable
‘for the City of Saint John and its vicinity, [*or in the County*
‘*of Saint John, as the case may be,*] without favour or affec-
‘tion, malice or ill will, and that I will to the best of my power
‘cause the peace to be kept and preserved, and prevent all

‘ offences against the persons and properties of His Majesty’s subjects; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law.—So help me God.’

4. The said Mayor or Recorder and one of the Justices of the Peace aforesaid, in regard to the said City and its vicinity, or any two Justices aforesaid in regard to the said County, shall have full power and authority to remove any such special constable from his office for any misconduct or neglect of duty therein, and may at any time discharge any such special constable from the duties of his office when they shall be satisfied that it is no longer necessary to continue him therein.

5. Every special constable appointed under this Act shall within the said City and its vicinity, or in the said County respectively, have, exercise, and enjoy all such powers, authorities, advantages, and immunities as any constable duly appointed now has within his constableness by virtue of the common and statute Laws and Acts of Assembly in force within this Province.

6. If any person shall assault or resist any special constable appointed by virtue of this Act, whilst in the execution of his office, or shall promote or encourage any other person so to do, every such person shall on conviction thereof before two Justices of the Peace, forfeit and pay for such offence any sum not exceeding twenty pounds, or shall be liable to such other punishment upon conviction on any indictment or information for such offence, as any persons are by law liable to for assaulting any constable in the execution of the duties of his office; and in case of proceeding for such penalty, the same shall be recovered and levied pursuant to the Act of Assembly made and passed in the fourth year of His present Majesty’s Reign, intituled *An Act to facilitate summary proceedings before Justices of the Peace and the execution of Warrants by Constables*, and shall be paid over by the said two Justices into the hands of the County Treasurer of the City and County of Saint John, as a part of the public funds of the said City and County.

7. Repealed by 11 V. c. 30.

7th WILLIAM 4th—CHAPTER 21.

An Act in amendment of an Act intituled *An Act to prevent Nuisances within the City of Saint John, and Parish of Portland in the County of Saint John.*

Section.

1. Repeal of Section.

Section.

2. City of Saint John and Portland, what nuisances prevented in.

Passed 1st March 1837.

WHEREAS the Act now in force to prevent nuisances within the City of Saint John, and Parish of Portland in the County of Saint John, has been found ineffectual for that purpose ;—

Be it therefore enacted, &c.—1. The first Section of the Act passed in the third year of His present Majesty's Reign, intituled *An Act to prevent nuisances within the City of Saint John and Parish of Portland*, be and the same is hereby repealed.

2. From and after the passing of this Act, if any hog or hogs, swine, horse or horses, ox or oxen, cow or cows, sheep, goat or goats, dog or dogs, shall be found going at large within the City of Saint John, on any of the roads, highways, streets, squares, or alleys thereof, or within the populous parts of the Parish of Portland lying to the westward of the Mill Bridge, including the road to Indian Town and the Short Ferry, or on the public road leading from the said City through the great marsh in the vicinity thereof, the owner or owners thereof shall forfeit and pay the sum of ten shillings for each and every hog or animal as aforesaid so found going at large, one half to the overseers of the poor for the said City, in case the offence shall happen there, or to the overseers of the poor for the Parish of Portland, in case the offence shall happen there, and one half to the informer, to be recovered with costs of prosecution upon conviction before any one of His Majesty's Justices of the Peace for the said City and County of Saint John, and to be levied on the goods and chattels of the owner of such hog or hogs, or other animal or animals as aforesaid ; and in case the owner or owners of such hog or hogs, or other animal or animals as aforesaid, shall not be known, then it shall be the duty of any hogreeve or hogreeves of the said City or Parish to impound such hog or hogs, or other animals as shall be found so going at large ; and it shall be the duty of the pound keeper

or pound keepers of the said City and Parish respectively, upon any hog or hogs, or other animals as aforesaid, being so impounded, to advertise the same in three public places in the said City and Parish respectively, and in case the owner or owners of such hog or hogs, or other animal or animals, shall not, within six days after such advertisement being put up as aforesaid, pay the said fine for each animal so impounded, together with the accustomed fees and charges for keeping the same, it shall and may be lawful for the said pound keeper to sell such hog or hogs, or other animal or animals as aforesaid, at public auction, and apply the money arising therefrom towards payment of the said fine and charges, and all other expenses, and to pay the overplus (if any) to the owner or owners thereof, whenever such owner or owners shall appear and demand the same; and in case such owner or owners shall not appear and demand the same within six months after such hog or hogs, or other animal or animals shall have been so impounded, then the said overplus shall be paid to the said overseers of the poor, for the use of the poor of the said City or Parish, according to the place where the offence shall be committed.

8th WILLIAM 4th—CHAPTER 14.

An Act in further amendment of the Law relating to Nuisances in the Parish of Portland, in the County of Saint John.

Section 1.—Provisions of Act, to what extended.

Passed 22nd July 1837.

Be it enacted, &c.—1. The provisions of the second Section of an Act made and passed in the last Session of the General Assembly, intituled *An Act in amendment of an Act intituled "An Act to prevent nuisances within the City of Saint John, and Parish of Portland in the County of Saint John,"* shall extend and be construed to extend to that part of the said Parish of Portland which lies to the westward of the Marsh Creek so called, and between that Creek and the Mill Bridge, any thing in the said recited Act to the contrary notwithstanding.

1st VICTORIA—CHAPTER 17.

An Act to provide for the erection of an Alms House and Work House, and to establish a Public Infirmary in and for the City and County of Saint John.

Section.

1. Justices of Saint John to agree, &c. for Alms House.
2. Commissioners, how appointed.
3. What regulations, and by whom may be made.

Section.

4. Commissioners, what accounts, and when to render.
5. What profits to be accounted for.
6. Old Alms House for what to be used.

Passed 9th March 1838.

WHEREAS the mode pursued in the County of York of providing for the support of the Poor has been found by experience to be less expensive than the general system pursued throughout the Province, and to be productive of industrious, sober, and moral habits among that class of people;—

Be it therefore enacted, &c.—1. The Justices of the Peace for the City and County of Saint John, in their General Sessions, be and they are hereby authorized and empowered to purchase a tract of land and agree for the erecting and finishing of a proper building for an Alms House and Work House thereon, in the vicinity of the City of Saint John, and to fix upon a certain sum of money for defraying the expense thereof; which sum of money shall be raised [the words here omitted are repealed by 4 V. c. 21,] upon the inhabitants of the City of Saint John, and the Parishes of Portland, Saint Martins, and Lancaster, in the said County, in the manner prescribed by the law now in force for assessing, collecting, and levying County rates, or by any other law passed or to be passed for that purpose; provided that such assessment shall not exceed the sum of three thousand pounds.

2. It shall and may be lawful for the said Lieutenant Governor or Commander in Chief of this Province, by warrant under his hand and seal, to be issued with the advice of Her Majesty's Executive Council, from time to time to appoint so many fit persons, not exceeding seven nor less than five, of whom two shall be Justices of the Peace for the said City and County, as he shall think fit, to be Commissioners for superintending and managing the said building so to be erected for the purposes aforesaid, and the said land so to be purchased; and that it shall and may be lawful for the said Commissioners from time to time to provide such materials and things as they shall judge

necessary for the setting to work and employing such poor persons, of what age or sex soever they be, who may apply for relief and shall be capable to work; and the said Commissioners or any two or more of them shall have power and authority at their discretion to compel such idle or poor people, begging or seeking relief, as do not betake themselves to some lawful employment, or who do or shall hereafter seek and receive alms of the said City and of any of the said Parishes hereinbefore mentioned within the said County, or who may stand in need of relief from the said City or of any of the said Parishes, to dwell, inhabit, and to work in the said Alms House and Work House, and to do all such work as they shall think them able and fit for, and shall have the same powers to bind out poor children apprentices, as are by the laws of this Province given to the overseers of the poor in the several Towns and Parishes.

3. The said Commissioners to be appointed as aforesaid, shall have power to make such rules, orders, and regulations for the good government and management of the said Alms House and Work House as they shall find necessary, (such rules and regulations to be approved of by the Justices in their General Sessions,) and to inflict such correction and punishment, by solitary confinement or otherwise, from time to time, as to them shall seem reasonable, on any person or persons within the said Alms House and Work House who shall be so set to work and shall not conform to such rules, orders, and regulations to be made as aforesaid, or shall misbehave in the same.

4. The said Commissioners shall at the first General Sessions of the Peace to be holden for the said City and County of Saint John annually lay before the Justices in their said Sessions an account, to be audited by the said Justices, of the expenses incurred by them for the support and maintenance of the poor of the said Alms House and Work House for the past year, together with an estimate of what sum or sums of money will be needful for the maintenance and employment of the poor of the said House for the current year, in which estimate shall be stated the proportion that each City, Town, or Parish within the said County ought to pay, to the intent that no other levy or assessment may be made for any other maintenance or

allowance to or for any such poor; which sum or sums of money, after being audited and allowed by the said Justices, shall be assessed, levied, and raised in such manner and form as by the laws of this Province is or shall be appointed and directed, and when raised and received shall be paid to the said Commissioners for the uses aforesaid, and no other.

5. The profits of any work or labour to be performed under the direction of the said Commissioners, shall be duly accounted for by them, and shall be applied towards the support and maintenance of the persons inhabiting within the said Alms House and Work House.

6. When the said Alms House and Work House shall be in a fit state to receive the poor who shall then be in the Alms House in the City of Saint John, and all the inmates of the said Alms House, except the sick and diseased, shall be removed to the said Alms House and Work House so to be erected, the said Alms House in the said City shall be used as and for a Public Infirmary.—[Remainder of Section repealed by 10 V. c. 57, s. 1.]

1st VICTORIA—CHAPTER 26.

An Act to continue the Act relative to the Streets and Squares in the City of Saint John.

Section 1.—Act 9 G. 4, c. 4, continued.

Passed 9th March 1838.

Be it enacted, &c.—1. An Act made and passed in the ninth year of the Reign of His Majesty King George the Fourth, intituled *An Act relative to the Streets and Squares in the City of Saint John*, be and the same is hereby continued and declared to be in full force until the first day of April which will be in the year of our Lord one thousand eight hundred and fifty eight.

3rd VICTORIA—CHAPTER 1.

An Act for the more effectual prevention of Fires in the City of Saint John.

Section.

1. Buildings, when and how constructed.

Section.

2. Restrictions as to what and where.

Section.

3. Party wall.
4. How reimbursed for building.
5. Restrictions as to enlarging, &c.

Section.

- 6 & 7. Repealed.
8. Penalties for breach of Act.
9. Buildings against Act, what deemed.

Passed 20th September 1839.

Be it enacted &c.—1. All dwelling houses, store houses, and other buildings, excepting as hereinafter excepted, which from and after the passing of this Act shall be built, erected, or set up in the City of Saint John, within the limits hereinafter mentioned and described, that is to say—Beginning at the southern extremity of Prince William Street, where it intersects the northern line of Saint James Street, thence along Prince William Street to Princess Street, thence along Princess Street to Germain Street, thence along Germain Street to Union Street, thence along Union Street to George Street, thence along George Street to Pond Street, thence along Pond Street to Mill Street, thence along Mill Street northwardly to the entrance of Smyth Street, thence along Smyth Street to Nelson Street, thence along Nelson Street, crossing the Market Slip, to Ward Street, thence along the said last mentioned Street and a prolongation of the western line thereof southwardly until it strikes the southern line of the Ferry Slip at the foot of Princess Street, thence along the said last mentioned line to Saint John Street, thence along Saint John Street and a prolongation of the western line thereof southwardly until it intersects the prolongation of the northern line of Saint James Street, and thence along the said last mentioned prolongation to the place of beginning, and also in and upon all the lots of ground adjoining thereto to the depth of forty feet on the eastern side of Prince William Street, Germain Street, George Street, and Mill Street, the south side of Princess Street, the north sides of Union Street and Pond Street, two hundred feet on the western side of Smyth Street, not less than thirty feet on the western sides of Nelson Street and Ward Street, and one hundred feet on the western side of Saint John Street, terminating at the foot of Duke Street, shall be made and constructed of stone or brick, or other non-combustible material, with party or fire walls rising at least twelve inches above the roof; and the roof of every such dwelling house, store house, or other building, shall be covered on the outside with tile or slate, or other safe materials against fire,

and not with boards or shingles; provided that this Act shall not be construed to extend to buildings or erections not exceeding fifteen feet in height from the ground or level to be determined on by the City authorities, to the peak or highest part of such buildings or erections; provided also, that all steeples, cupolas, and spires of public buildings, where such building shall stand at least ten feet from any and every other building, may be covered with boards or shingles.

2. From and after the passing of this Act, no wooden building, store house, or other erection of what nature or kind soever, shall be built, erected, or set up on the eastern side of the Harbour of the said City to the westward of the limits and lots of ground adjoining thereto hereinbefore mentioned or described, of a greater height than thirty feet from the bottom of the sill to the highest point of the roof, the bottom of the sills to be elevated not more than eighteen inches above the level of the street or wharf whereon the said building, store house, or erection may stand, or above the point where such level may be determined on by the said City authorities; the posts to be not more than twenty feet, the roof to be covered with slate or other non-combustible material, to be of a regular pitch from the eaves to the ridge, with a straight rafter, and to have at least one scuttle in the same; provided also, that between every two such wooden buildings, store houses, or erections, the sites whereof shall be vacant at the time of the passing of this Act, or may hereafter become vacant, there shall be a partition wall of brick at least eight inches in thickness, to extend not less than twelve inches above the roof; provided also, that nothing herein contained shall be construed to prevent the owner or owners of any wooden building authorized by this Section of this Act, whereof the side line or depth from the front of the building on the street exceeds thirty five feet, to make a portion of the roof flat on the top, according to the following scale: Buildings whereof such side line or depth exceeds thirty five feet and does not exceed forty feet, the width of such flat shall not exceed five feet; buildings whereof such side line or depth exceeds forty feet and does not exceed forty five feet, the width of such flat shall not exceed eight feet; buildings whereof such side line or depth exceeds forty five feet and does not exceed fifty feet, the width of such flat shall not ex-

ceed twelve feet; buildings whereof such side line or depth exceeds fifty feet the width of such flat shall not exceed fifteen feet.

3. One half of every such party wall between house and house, or between other buildings, shall be built on the ground or site of one of the adjoining houses or buildings, and the other half thereof shall be built on the ground or site of the adjoining houses or buildings; and it shall and may be lawful for the first builder of any such party wall, and for the workmen employed in building the same, to enter upon the ground adjoining thereto, in order to the building such party wall in the manner aforesaid.

4. The person or persons at whose expense any party wall shall be built agreeably to the directions of this Act, shall be reimbursed one half of the expense incurred in such party wall, by the owner or owners of the adjoining property who shall make use of the said wall, and such moiety or half part of the expense incurred in erecting such party wall may be recovered, together with full costs of suit, by action of debt or assumpsit, in any of Her Majesty's Courts of Record in this Province.

5. No dwelling house, store house, or other buildings of wood, at present standing or being within the fire limits described in this Act, shall hereafter be raised, enlarged, or built upon, nor shall any wooden building exceeding the height mentioned in the proviso contained in the first Section of this Act, be hereafter removed from one lot or place to any other lot or place within such fire limits as the same are by this Act established, or may hereafter be extended.

6 & 7. Repealed by 3 V. c. 75.

8. From and after the passing of this Act, if any dwelling house, store house, or other building whatsoever, shall be built, erected, raised, enlarged, removed, or roofed contrary to any of the provisions of this Act, the proprietor or proprietors thereof shall for every such offence forfeit and pay the sum of five hundred pounds; and every builder or other person who shall build, erect, raise, enlarge, remove, or roof, or assist in building, erecting, raising, enlarging, removing, or roofing such dwelling house, store house, or other building, shall for every such offence forfeit and pay the sum of two hundred and fifty pounds, to be recovered with costs of suit in any Court of

Record within this Province, by the Treasurer or Chamberlain of the said City of Saint John, for the use of the poor thereof, and when recovered shall be appropriated in the same manner as the moneys raised by tax for the maintenance of the poor of the said City are by law directed to be applied.

9. Any such dwelling house, store house, or other building, which after the passing of this Act shall be built, erected, raised, enlarged, removed, or roofed within the limits and the lots of ground adjoining thereto, herein before described, contrary to the provisions of this Act, shall be deemed, and the same is hereby declared to be a common nuisance.

10. The several Streets mentioned in this Act shall be taken and deemed to mean the same respectively as at present laid out, without reference to any intended alterations in the lines or courses of the same.

3rd VICTORIA—CHAPTER 2.

An Act to authorize the widening and enlarging of certain Streets in the City of Saint John, and of laying out other Streets therein.

Section.

1. Commissioners, by whom and how appointed.
2. Duties of, as to widening, &c. streets.
3. Do. as to assessing value of lands, &c.
4. Where to deposit copy of Report, &c.
5. Damages to whom to be paid, how sued for; if infants, &c. how paid.

Section.

6. Assessment by, and to whom to be paid.
7. When to be a charge on lands, and how recovered.
8. What number of Commissioners may act.
9. Wharves, when to be considered in assessment.
10. Compensation to Commissioners.

Passed 20th September 1839.

WHEREAS by the late disastrous fire in the City of Saint John, all the buildings and erections, with a few exceptions, within that district which is bounded eastwardly by Prince William Street, southerly by the Market Place and Slip, westwardly by the Harbour of Saint John, and northerly by Union Street, were destroyed; and it is advisable to widen and enlarge the following Streets in the said district, that is to say, Dock Street and Nelson Street, and also to open and lay out a new Street in the said district in continuation of Smythe Street southwardly, until it meets the North Market Wharf;—

Be it therefore enacted &c.—1. It shall and may be lawful to and for the Lieutenant Governor or Commander in Chief

for the time being, by and with the advice of Her Majesty's Executive Council, to nominate and appoint, and also to re-appoint and supply as it may be necessary or expedient, three or more discreet and disinterested persons Commissioners for the purpose of performing the duties hereinafter in that behalf prescribed; which said Commissioners, before they enter on the performance of the duties of their appointment, shall severally take and subscribe an oath or affirmation before any Justice of the Peace in and for the City and County of Saint John, faithfully to perform the trust and duties required of them by this Act.

2. It shall be the duty of such Commissioners forthwith to enter on the duties of their appointments, and cause a survey and plan of said district to be made and prepared, and to fix and decide upon the best mode and method of widening, extending, altering, straightening, and enlarging Dock Street and Nelson Street aforesaid, and also of laying out and opening the said new street in continuation of Smythe Street southwardly until it meets the North Market Wharf, and for that purpose the said Commissioners shall have full power and authority to enter in and upon the lands and tenements in the said district, and to determine and decide where and in what manner such streets respectively are to be widened, extended, altered, straightened, enlarged, opened, and laid out.

3. The said Commissioners so soon as they shall have caused such survey and plan to be made, and shall have decided where and in what manner such streets respectively are to be widened, extended, altered, straightened, enlarged, opened, and laid out, shall proceed to make a just and equitable estimate and assessment of the value of the lands, tenements, and hereditaments required for widening, extending, altering, straightening, enlarging, opening, and laying out such streets respectively, and shall assess and apportion three fourth parts of the amount of such estimated value on all the parties interested in any lands, tenements, and hereditaments within the said district, including the parties interested in such lands, tenements, and hereditaments required for the purposes of such streets respectively, according to their best discretion, in proportion to the benefit accruing to such parties respectively from the improvement of the said streets, and shall thereupon file the said plan with the

Common Clerk of the said City, as and for a record of their doings in that respect, and shall forthwith report their proceedings, and all matters and things connected with their duties as such Commissioners, to the Common Council of the said City; and in the said report the Commissioners who shall make the same shall set forth the names of the respective owners, lessees, parties, and persons entitled unto or interested in such lands, tenements, hereditaments, and premises mentioned in the said report, and each and every part and parcel thereof, as far forth as the same shall be ascertained by them, and an apt and sufficient designation or description of the respective lots or parcels of land and other tenements, hereditaments, and premises that may be required for the purpose of widening, extending, altering, straightening, enlarging, or laying out such streets respectively, and also of the said respective lots or parcels of land and other tenements, hereditaments, and premises within the said district so assessed by the said Commissioners for the said benefit as aforesaid, and also the several and respective sums estimated and assessed as and for the compensation and recompense, or the allowance to be made for the value of the land and other tenements, hereditaments, and premises so taken for the purposes aforesaid, as also the sums assessed upon the same for the benefit and advantage of the respective owners of the fee or inheritance of such lands, tenements, hereditaments, and premises respectively, or for the compensation or damage and for the assessment for the benefit of the respective owners of the leasehold estate or other interests therein, separately; but in all and each and every case and cases where the owners and parties interested, or their respective estates and interests, are unknown or not fully known to the said Commissioners, it shall be sufficient for them to estimate and assess and to set forth in their said report, in general terms, the respective sums to be allowed and paid to or by the owners or proprietors generally of such lands, tenements, hereditaments, and premises, and parties interested therein for the compensation and damage, and for the assessment for the benefit and advantage to such owners, proprietors, and parties interested in respect of the whole estate and interest of whomsoever may be entitled unto or interested in the said lands, tenements, hereditaments, and premises respectively, by and in consequence

of the widening, enlarging, extending, altering, straightening, opening, and laying out such streets respectively, without specifying the names or the estates or interests of such owners, proprietors, and parties interested, or of any or either of them; and upon the coming in and filing of such report, the same shall be final and conclusive, as well upon the Mayor, Aldermen, and Commonalty of the City of Saint John, as upon the owners, lessees, parties, or persons interested in and entitled unto the lands, tenements, hereditaments, and premises mentioned in the said report; and the said Mayor, Aldermen, and Commonalty shall become possessed of all the said lands, tenements, hereditaments, and premises in the said report mentioned, that shall or may be so required for the purpose of widening, extending, altering, straightening, enlarging, opening, and laying out such streets, the same to be appropriated, converted, and used to and for such said purposes accordingly, and for none other whatsoever; and thereupon the said Mayor, Aldermen, and Commonalty, or any person or persons acting under their authority, may immediately or at any time or times thereafter take possession of the same, or any part or parts thereof, without any suit or proceeding at law for that purpose, and may at any time thereafter take down and remove all buildings or parts of buildings, erections, or improvements of any description whatsoever on the said lands, tenements, hereditaments and premises; provided that it shall not be lawful for the said Commissioners to allow any sum or compensation whatsoever for any building or buildings which may, after the passing of this Act, be built, placed, or erected in part or in the whole, on such part or parts of the said lands, tenements, hereditaments, and premises that may be required for the widening, extending, altering, straightening, enlarging, and laying out such streets respectively.

4. The said Commissioners, after completing their said estimate and assessment, and at least fourteen days before they make their report to the Common Council, shall deposit a true copy or transcript of such estimate and assessment in the Clerk's office of the said City, for the inspection of whomsoever it may concern, and shall give notice by advertisement, to be published in at least two of the public Newspapers printed in the said City, of the said deposit thereof in the said

office, and of the day on which it will be finally filed as and for a record of their proceedings; and any person or persons whose rights may be affected thereby, and who shall object to the same, or any part thereof, may within ten days after the first publication of the said notice, state his, her, or their objections to the same, in writing, to the said Commissioners; and the said Commissioners, or such of them as shall have made such estimate and assessment, in case any objections shall be made to the same, and stated in writing as aforesaid, shall reconsider their said estimate and assessment, or the part or parts thereof so objected to, and in case the same shall appear to them to require correction, but not otherwise, they shall and may correct the same accordingly.

5. The said Mayor, Aldermen, and Commonalty shall, within six calendar months after the filing of the said report of the Commissioners in the premises, pay to the respective persons and parties mentioned or referred to in the said report, in whose favour any sum or sums of money shall be estimated and reported by the said Commissioners, the respective sum or sums so estimated and reported in their favour respectively, deducting in each case any sum or sums that such parties respectively may in the said report and assessment of the Commissioners be declared liable to pay by reason of the benefit to them respectively accruing from the improvement of such streets; and in case of neglect or default in payment of the same within the time aforesaid, the respective person or persons, party or parties, in whose favour the same shall be so reported, his, her, or their executors or administrators, at any time or times after application first made by him, her, or them to the said Mayor, Aldermen, and Commonalty in Common Council convened, for payment thereof, may sue for and recover the same, with lawful interest from and after the said application therefor, and the costs of suit, in an action of debt or assumpsit against the said Mayor, Aldermen, and Commonalty, in any Court having cognizance thereof, and in which it shall be sufficient to declare generally for so much money due to the plaintiff or plaintiffs therein by virtue of this Act for premises taken for the purpose herein mentioned, and it shall be lawful for the plaintiff or plaintiffs to give any special matter in evidence under such general declaration, and this Act, and the

report of the said Commissioners, with proof of the right and title of the plaintiff or plaintiffs to the sum or sums demanded, shall be conclusive evidence in such suit or action; provided, that whenever the owners and proprietors of any such lands, tenements, hereditaments, and premises so to be taken for any of the purposes aforesaid, or the party or parties, person or persons interested therein, or any or either of them the said owners, proprietors, parties, or persons in whose favour any such sum or sums or compensation shall be so reported, shall be under the age of twenty one years, non compos mentis, feme covert, or absent from the said City of Saint John, and also in all cases where the name or names of the owner or owners, parties or persons entitled unto or interested in any lands, tenements, hereditaments, or premises that may be so taken for any of the purposes aforesaid, shall not be set forth or mentioned in the said report, or where the said owners, parties, or persons respectively being named therein, cannot upon diligent inquiry be found, it shall be lawful for the said Mayor, Aldermen, and Commonalty to pay the sum or sums mentioned in the said report payable, or that would be coming to such owners, proprietors, parties, or persons respectively, into the Court of Chancery in this Province, to be secured, disposed of, and improved as the said Court shall direct, and such payment shall be as valid and effectual in all respects as if made to the said owners, proprietors, parties, and persons respectively themselves, according to their just rights, if they had been known and had all been present, of full age, discover, and compos mentis; and provided also, that in all and every case and cases where any such sum or sums or compensation so to be reported by the said Commissioners in favour of any person or persons, or party or parties whatsoever, whether named or not named in the said report, shall be paid to any person or persons, or party or parties whomsoever, when the same shall of right belong and ought to have been paid to some other person or persons, party or parties, it shall be lawful for the person or persons, party or parties to whom the same ought to have been paid, to sue for and recover the same with lawful interest and costs of suit, as so much money had and received to his, her, or their use by the person or persons, party or parties respectively, to whom the same shall have been so paid.

6. The respective sums or assessments so to be assessed and reported by the said Commissioners, as and for the allowance to be made by the parties and persons respectively in the said reports mentioned as owners and proprietors of, or parties interested in, lands and premises deemed to be benefited by the widening, extending, altering, straightening, enlarging, opening, and laying out of the said respective streets mentioned in the said report, shall be borne, reimbursed, and paid to the said Mayor, Aldermen, and Commonalty by the said parties and persons respectively, and the remainder of all the moneys which the said Mayor, Aldermen, and Commonalty shall pay, disburse, and expend, or become liable or bound to pay, disburse, or expend, in discharge or on account of the sums or estimates of compensation and recompense that may be reported by the Commissioners in favour of the respective persons and parties deemed to be entitled thereto, and also all expenses, disbursements, and charges which may arise, or be incurred under the provisions of this Act, shall and may be assessed upon that part of the said City of Saint John which lies on the eastern side of the Harbour, excluding from this assessment the lands, tenements, and hereditaments within the district hereinbefore described, which may have been already assessed in the report of the said Commissioners; and the said Mayor, Aldermen, and Commonalty, in Common Council convened, are hereby authorized and required to order and direct the said residue and remainder of the said moneys, and the expenses hereinbefore mentioned, together with the charges of assessing, levying, and collecting the same, to be assessed, levied, collected, and paid in such proportions, and in the same manner, as any rates for public charges are or may be assessed, levied, collected, and paid under and by virtue of any Act or Acts of Assembly made or to be made for assessing, levying, and collecting rates for public charges.

7. The several and respective sums or assessments hereinbefore directed to be reimbursed to the said Mayor, Aldermen, and Commonalty, shall be a lien or charge on the lands, tenements, hereditaments, and premises in the said report of the Commissioners mentioned, or upon the estate and interest of the respective owners, lessees, and parties in such said lands, tenements, hereditaments, and premises, for or on account of

which the said respective sums shall be so assessed by the said Commissioners upon the said respective owners and proprietors thereof, or parties interested therein, and as well the said owners and proprietors thereof and parties interested therein, and also the occupants of each and every of them shall moreover be respectively liable to pay on demand the respective sum or sums mentioned in the said report of the Commissioners, at which the respective lands, tenements, hereditaments, and premises so owned or occupied by him, her, or them, or wherein he, she, or they are so interested, or at which the owners and proprietors thereof shall be so assessed, to such person or persons as the said Mayor, Aldermen, and Commonalty shall appoint to receive the same; and in default of payment of the same or any part thereof, it shall be lawful for the said Mayor or the Recorder of the said City, and any three of the Aldermen or Assistant Aldermen of the same City, by warrant under their hands and seals, to levy the same with lawful interest thereon, from and after thirty days from the time of the filing of the said report of the Commissioners, together also with the charges and expenses to be had for the collection thereof, by distress and sale of the goods and chattels of such owner and owners, occupant or occupants, or party or parties interested, so refusing or neglecting to pay the same, rendering the overplus (if any overplus there shall be) after deducting all just charges, to such owner or owners, occupant or occupants, or party or parties interested; or the said respective sums with lawful interest as aforesaid, may be recovered with all costs and charges by the said Mayor, Aldermen, and Commonalty, from and against the owner or owners of the respective lands, tenements, hereditaments, and premises whereon or in respect of which the same may be assessed or set forth in the said report of the Commissioners, or from or against either or any of them the said parties or owners, without joining any other or others of them the said parties or owners therein, by action of debt or assumpsit, in which it shall be sufficient to declare generally for so much money due by virtue of this Act to the said Mayor, Aldermen, and Commonalty, and every matter may be given in evidence under such general declaration; provided that nothing herein contained shall affect any agreement between landlord and tenant, or any other contracting parties,

respecting the payment of any such assessment or charges, but they shall be answerable to each other in the same manner as if the provisions in this Act contained concerning the same had never been made; and if any money so to be assessed, be paid by, or collected, or recovered from any person or persons, when by agreement or by law the same ought to have been borne and paid by some other person or persons, it shall be lawful for the person or persons paying the same, or from whom the same shall be recovered, by distress, suit, or otherwise, to sue for, and recover the money so paid by or recovered from him or them, with interest and costs, as so much money paid for the use of the person or persons who ought to have paid the same, and the said report of the Commissioners, with proof of payment, shall be conclusive evidence in the suit.

8. It shall be competent and lawful for any three of such said Commissioners, so to be appointed, to proceed to and execute and perform the trusts and duties of their said appointment, and their acts shall be as valid and effectual as the acts of all the said Commissioners so to be appointed for such said purposes if they had acted therein would have been, and further that in all cases the acts, decisions, and proceedings of the major part of such of the Commissioners to be appointed for the purposes aforesaid as shall be acting in the premises, shall always be as binding, valid, and effectual as if the said Commissioners named and appointed for such purpose had all concurred and joined therein.

9. If the owner or owners, lessees, parties, and persons interested in the water lots lying to the westward of Nelson and Smyth Streets, between the south line of Union Street and the north line of lots leased by the Corporation, fronting on the North Market Wharf, shall be permitted by the Mayor, Aldermen, and Commonalty of the City of Saint John to extend their wharves and erections into the Harbour, then and in such case the said Commissioners shall be at liberty to take such extension into consideration in their assessment for loss and damages arising from the opening and extending of Smyth Street to the North Market Wharf as aforesaid.

10. The Commissioners to be appointed under and by virtue of this Act, who shall enter upon the duties of their appointment, shall each be entitled to receive such sum for each day

they shall respectively be actually employed in the duties of their appointment, as the said Mayor, Aldermen, and Commonalty in Common Council shall name, to be paid by the said Mayor, Aldermen, and Commonalty, and included in the before mentioned sums of money, and considered as part of the disbursement and expenses incurred by virtue of this Act, besides all reasonable expenses for maps, surveys, and plans, clerk hire, and other necessary expenses and disbursements.

3rd VICTORIA—CHAPTER 38.

An Act to authorize the Justices of the Peace in and for the City and County of Saint John to erect a building in the said City for a Common Gaol, and to raise a sum of money for erecting and completing the same.

Section.

1. By whom Gaol to be contracted for, &c.
2. What sum may borrow for, &c.
3. Certificates, &c. to be negotiable.
4. How loan to be paid.

Section.

5. Duty of Treasurer on paying off loan and interest.
6. Allowance to Treasurer.

Passed 25th March 1840.

Be it enacted, &c.—1. The Justices of the Peace for the City and County of Saint John, at any General Sessions of the Peace hereafter to be holden, or at any Special Sessions to be for that purpose convened, or the major part of them so assembled, be and they are hereby authorized and empowered, by themselves, or by one or more Committees of Management for that purpose to be appointed, to contract and agree with able and sufficient workmen for erecting and finishing a building within the said City, suitable and proper for a common gaol, for such sum and sums of money, not however exceeding in the whole the sum of five thousand pounds, and in such manner and form as shall be approved of by the said Justices.

2. The said Justices at any General Sessions of the Peace for the said City and County, be and they are hereby authorized and empowered to borrow such sums of money as may from time to time be required for the erecting and completing of the said building, not exceeding in the whole the sum of three thousand pounds, to be paid off and discharged in manner hereinafter mentioned, the same to be taken in loans of not less than one hundred pounds, and that Certificates or Notes in the following form, or to that effect, shall be prepared and

delivered to the persons from whom such loans may be obtained, to wit:—

Number —

City and County of Saint John, ss.—These are to certify that [*here insert residence and addition of lender*] hath lent and advanced to the Justices of the Peace for the said City and County the sum of one hundred pounds currency, which sum is payable to him, or to his order, together with interest at and after the rate of per centum per annum, pursuant to an Act of Assembly made and passed in the third year of the Reign of Her Majesty Queen Victoria, intituled *An Act to authorize the Justices of the Peace in and for the City and County of Saint John to erect a building in the said City for a Common Gaol, and to raise a sum of money for erecting and completing the same.*—Dated the day of in the year of our Lord one thousand eight hundred and forty

By order of the Sessions.

A. B. *Presiding Justice.*

C. D. *Clerk.*

Which same certificates or notes shall be signed by the Justice presiding at the said Sessions, and countersigned by the Clerk, and shall be respectively numbered according to the time in which the same may be made and issued, and a memorandum thereof shall be duly entered by the Clerk in the Minutes of the said Court.

3. The said certificates or notes shall be negotiable in the same manner as promissory notes, and the holders thereof shall be entitled to receive interest for the same annually, to be paid by the Treasurer of the said County out of the assessments hereinafter mentioned.

4. It shall and may be lawful for the said Justices of the Peace of the said City and County, and they are hereby authorized and required to make a rate and assessment each and every year of such sum of money, besides the charge for assessing and collecting, as will discharge the interest of the loan contracted by virtue of this Act, until the total amount of the loan and all interest thereon heretofore obtained by virtue of the Act of Assembly made and passed in the ninth year of the Reign of His Majesty King George the Fourth, intituled *An Act to authorize the Justices of the Peace of the City and County of*

Saint John to raise a sum of money for completing the Court House of the said City and County, and until the total amount of the loan, and all interest thereon heretofore obtained or to be obtained by virtue of the Act of Assembly made and passed in the first year of the Reign of Her Majesty Queen Victoria, intituled An Act to authorize the Justices of the Peace in and for the City and County of Saint John to establish a House of Correction for the said City and County, and to extend the provisions of two Acts of Assembly to the same, are severally paid off and discharged; and from and after the time of payment and discharge of the total amount of such several loans so contracted by virtue of the said several Acts, it shall and may be lawful for the said Justices, and they are hereby authorized and required to make a rate and assessment not exceeding four hundred pounds in each and every succeeding year, besides the charge for assessing and collecting, for the purpose of discharging the principal and interest of the loans contracted by virtue of this Act, until the same shall be paid off; all which said several sums of money are to be assessed, levied, collected, and paid in such proportion and in the same manner as other County rates for public charges are or may be assessed, levied, collected, and paid under and by virtue of any Act or Acts made or to be made for assessing, levying, and collecting rates for public charges.

5. The moneys so to be assessed as aforesaid shall from time to time be applied, after discharging the yearly interest due on the several loans contracted by virtue of this Act, to the payment of the principal sums mentioned in such certificates or notes, in due order according to the numbers, beginning with number one; and the Treasurer of the said County shall from time to time give one month's public notice, by advertisement in one of the Newspapers published in the said City, for calling in such and so many of the certificates or notes as he is prepared to pay off, specifying the numbers in such advertisement, and that from and after the expiration of the time mentioned in the said notice, the interest on such certificates or notes shall cease.

6. The County Treasurer shall be entitled to have and retain the sum of one pound per centum on every one hundred pounds, for his services in receiving and paying the said moneys so to be assessed under the provisions of this Act, and no more.

3rd VICTORIA—CHAPTER 70.

An Act to extend the jurisdiction of the Corporation of the City of Saint John, for the regulation of the rates of Pilotage, beyond the limits now prescribed by Charter.

Section.

1. Jurisdiction of Corporation as to Pilots.

Section

2. Limitation.

Passed 31st March 1840.

Be it enacted, &c.—1. The Mayor, Aldermen, and Commonalty of the City of Saint John, in Common Council convened, be and they are hereby authorized and empowered to make laws and ordinances for the regulation of the Branch Pilots of the Port of Saint John, in respect to rates of pilotage to be taken by them as distance money, extending to such parts of the Bay of Fundy in connexion with the Harbour of Saint John as they shall deem expedient, and under such penalties, restrictions, and forfeitures as the said Common Council may see fit.

2. This Act shall remain and be in force until the first day of April one thousand eight hundred and forty three.

3rd VICTORIA—CHAPTER 81.

An Act to limit the extent and regulate the building of Wharves on the eastern side of the Harbour of Saint John.

Section.

1. How far wharves to be extended on eastern side of harbour.
2. How to be constructed, &c.

Section.

3. What wharves may be extended, and where between, and what streets.
4. When and where slips to be left.

Passed 31st March 1840.

WHEREAS certain Commissioners were by His Excellency the Lieutenant Governor appointed to enquire into and report upon the state of the Harbour of Saint John, and have, in pursuance of such appointment, made a report touching part of the said harbour, and have caused a certain plan of part of the said harbour to be prepared; and the Mayor, Aldermen, and Commonalty of the said City have, by petition to the Legislature, applied for an Act to define and fix a permanent line in part of the said harbour, to which the extension of wharves shall be limited;—

Be it therefore enacted, &c.—1. From and after the passing of this Act, no wharf, pier, or erection of any kind or descrip-

tion whatsoever, shall be built, erected, or extended westwardly into the said Harbour of Saint John, on the eastern side thereof, beyond a line to be formed as follows, viz:—Commencing at the point formed by the westwardly prolongation of the southern line of the wharf owned by Robert W. Crookshank, and a southerly continuation of the western line of the pier at the end of the southern wharf of the north slip, which said point is seventy feet distant from the southwest corner of the said Robert W. Crookshank's present wharf, thence from said point in a direct line to the southwest corner of the wharf now or lately the property of David Hatfield to the southward of the South Market Wharf, thence in a direct line to the southwest corner of Nehemiah Merritt's south wharf, thence in a direct line to a point in the western prolongation of the south line of the wharf of the late Richard Bonsal, distant sixty feet from the western end of the said wharf, and thence in a direct line to a westwardly prolongation of the north line of Saint James Street, at the distance of one hundred and eighty five feet from the western side line of Prince William Street, measured on the north line of Saint James Street, as marked on the said plan; and that the said plan so prepared by the said Commissioners shall be signed by them and filed in the Office of the Secretary of the Province.

2. All wharves to be erected within or on the eastern side of the said line, shall be of squared timber and close built, so as to prevent stone, rubbish, or gravel from falling into the harbour, and no ballast shall be allowed to be used in the building thereof but stone, and the tops of such wharves to be planked or timbered in the same manner as the North and South Market Wharves; and such wharves to the extent of forty feet from the fronts thereof respectively, to be for ever kept free and open for vessels to repair to, and load and discharge thereat, and no houses or stores shall at any time be erected on the said spaces, and no lumber or goods of any sort be permitted to remain on such spaces longer than twenty four hours.

3. Whereas the property fronting on that part of the Harbour of the City of Saint John, situate between Duke and Saint James Street, would be greatly benefited, and the harbour made more commodious for loading and discharging goods, if a street in continuation of Saint John or Water Street were to

be laid out thereon;—It shall not be lawful for the owners of such property to build or authorize to be built, any wharf, pier, or other erection, on the beach or flats between the line of low water mark, and the line for limiting the extension of wharves described herein, unless such owner or owners shall have first conveyed to the Mayor, Aldermen, and Commonalty of the said City, a space of not less than fifty feet in width, through his or their property, ground, or flats, for the sole and exclusive purpose of continuing Saint John or Water Street from Duke to Saint James Street, as aforesaid.

4. No space between low water mark and the line defining the extent to which wharves may be built, shall be leased or sold to any person or persons whomsoever, unless it shall first be stipulated that at least two slips of not less than thirty five feet in width each, and one hundred and twenty feet or more in length, shall for ever be left open and kept as landing slips, with cart ways leading to the public streets, for each block or space contained between Union and King Streets, King and Princess Streets, Princess and Duke Streets, Duke and Queen Streets, and Queen and Saint James Streets.

4th VICTORIA—CHAPTER 14.

An Act to permit the establishment of a Fish Market in one of the Public Slips in the City of Saint John.

Section 1.—Fish Market, by whom and where may be built.

Passed 19th March 1841.

WHEREAS the Mayor, Aldermen, and Commonalty of the City of Saint John, by their petition have represented the great public utility of establishing a Market for the sale of Fish in the public Slip at the foot of Duke Street in the said City, and have prayed that they may be authorized to erect a building therein for that purpose;—

Be it enacted, &c.—1. It shall and may be lawful for the said Mayor, Aldermen, and Commonalty of the City of Saint John, and they are hereby authorized and empowered to erect and build a Market House and establish a Public Market for the sale of Fish in the public Slip at the foot of Duke Street, on the eastern side of the Harbour of the City of Saint John, and the same to regulate, support, repair, alter, and enlarge,

in such manner as from time to time may be deemed necessary and expedient for public accommodation.

4th VICTORIA—CHAPTER 21.

An Act in addition to and in amendment of an Act to provide for the erection of an Alms House and Work House, and to establish a Public Infirmary in and for the City and County of Saint John.

Section.

1. What sum may borrow, and by whom, for erection of.
2. Notes to be negotiable, holder entitled to interest.

Section.

3. Justices to make assessment.
4. Application of moneys.
5. Treasurer's remuneration.

Passed 19th March 1841.

WHEREAS in and by an Act made and passed in the first year of the Reign of Queen Victoria, intituled *An Act to provide for the erection of an Alms House and Work House, and to establish a Public Infirmary in and for the City and County of Saint John*, it was provided that the money required for building the same should be raised by a single assessment on the inhabitants of the said City and County in the manner prescribed by the law for assessing, collecting, and levying County rates: And whereas it has been considered a more equitable and less burthensome mode of raising money for public buildings in the said City and County by County Certificates or Notes and semi-annual payments of a proportion of the principal, with the yearly interest on the whole sum due until the same shall be paid off;—

Be it therefore enacted, &c.—1. In lieu of the mode of raising the money required for building the said Alms House and Work House pointed out in and by the said Act, it shall and may be lawful for the Justices of the Peace for the said City and County of Saint John, at any General Sessions of the Peace hereafter to be holden, and they are hereby authorized and empowered to borrow such sums of money as may from time to time be required for the erecting and completing of the said Alms House and Work House, not exceeding in the whole the sum of three thousand pounds, to be paid off and discharged in manner hereinafter mentioned, the same to be taken in loans of not less than one hundred pounds, and the Certificates or Notes in the following form, or to that effect,

shall be prepared and delivered to the persons from whom such loans may be obtained, to wit :—

Number ———

City and County of Saint John, ss.—These are to certify that [*here insert residence and addition of lender*] hath lent and advanced to the said Justices of the Peace for the City and County of Saint John the sum of one hundred pounds currency, which sum is payable to him, or to his order, together with interest at and after the rate of per centum per annum, payable half yearly on the first day of June and the first day of December, pursuant to an Act of Assembly made and passed in the fourth year of the Reign of Her Majesty Queen Victoria, intituled *An Act in addition to and in amendment of an Act to provide for the erection of an Alms House and Work House, and to establish a Public Infirmary in and for the City and County of Saint John.*—Dated the day of in the year of our Lord one thousand eight hundred and

By order of the Sessions.

A. B. *Presiding Justice.*

C. D. *Clerk.*

Which same certificates or notes shall be signed by the Justice presiding at the said Sessions, and countersigned by the Clerk, and shall be respectively numbered according to the time in which the same may be made and issued, and a memorandum thereof shall be duly entered by the Clerk in the Minutes of the said Court.

2. The said certificates or notes shall be negotiable in the same manner as promissory notes, and the holders thereof shall be entitled to receive interest for the same semi-annually, to be paid by the Treasurer of the said City and County out of the assessments hereinafter mentioned.

3. It shall and may be lawful for the said Justices of the Peace of the said City and County, and they are hereby authorized and required to make a rate and assessment in each and every year of such sum of money, not exceeding five hundred pounds, besides the charge for assessing and collecting, as will discharge the principal and interest of the loans contracted by virtue of this Act, until the total amount of the loan and all interest thereon shall be paid off; all which said several sums of money shall be assessed, levied, collected, and paid in

such proportions and in the same manner as other County rates for public charges are or may be assessed, levied, collected, and paid under and by virtue of any Act or Acts made or to be made for assessing and collecting rates for public charges.

4. The moneys so to be assessed as aforesaid shall from time to time be applied, after discharging the interest due on the several loans contracted by virtue of this Act, to the payment of the principal sums mentioned in such certificates or notes, in due order according to the numbers, beginning with number one; and the Treasurer of the said County shall from time to time give one month's public notice by advertisement in one of the Newspapers of the said City, for calling in such and so many of the certificates or notes as he is prepared to pay off, specifying the number in such advertisement, and that from and after the expiration of the time mentioned in the said notice the interest on such certificates or notes shall cease.

5. The County Treasurer shall be entitled to have and retain the sum of one pound per centum on every one hundred pounds, for his services in receiving and paying the said moneys so to be assessed under the provisions of this Act, and no more.

5th VICTORIA—CHAPTER 39.

An Act to regulate Dockage, Wharfage, and Cranage in the City of Saint John and in the Parish of Portland.

Section.

1. What Act not to extend to Saint John, &c.
2. Dockage, &c., for Saint John and Portland.
3. When vessels may be removed; penalty, &c.
4. Outlying vessels when to pay wharfage.
5. Dockage, from whom recoverable.

Section.

6. Repealed.
7. Wharfage, how recoverable.
8. Commissioners of wharves, by whom appointed. Duties.
9. Bailable capias for wharfage, when.
10. City Corporation not affected.
11. Limitation.

Passed 4th April 1842.

Be it enacted, &c.—1. From and after the passing of this Act, an Act made and passed in the twenty sixth year of the Reign of King George the Third, intituled *An Act establishing the rates to be taken for Wharfage and Cranage of Ships and other Vessels within the limits of this Province*, and also an Act made and passed in the fifty fourth year of the same Reign, intituled *An Act to repeal an Act intituled "An Act in alteration and amendment of an Act for establishing the rates to be*

taken for Wharfage and Cranage," and for substituting other alterations and amendments of the same Act therein recited in lieu thereof, shall not extend or be construed to extend to the City of Saint John and the Parish of Portland in this Province, any thing in the said Acts contained, or any law, usage, or custom to the contrary in any wise notwithstanding; provided always nevertheless, that no legal right or remedy arising out of, or given by the said Acts, or either of them, before the passing of this Act, shall be deemed or taken to be annulled or barred thereby.

2. From and after the passing of this Act, it shall and may be lawful for the owner or owners, lessee or lessees of any wharf or wharves already erected or hereafter to be erected in the City of Saint John, or the Parish of Portland aforesaid, or his or their agent or agents, to ask, demand, sue for, recover, and receive as dockage for vessels, whilst lying at any such wharf or wharves, the following rates per diem, that is to say :—

For every decked vessel or wood boat of the burthen of forty tons or under, one shilling and six pence :

For every decked vessel over forty tons and under fifty tons, one shilling and nine pence :

For every decked vessel of fifty tons and under sixty tons, two shillings :

For every decked vessel of sixty tons and under seventy tons, two shillings and three pence :

For every decked vessel of seventy tons and under eighty tons, two shillings and six pence :

For every decked vessel of eighty tons and under ninety tons, two shillings and nine pence :

For every decked vessel of ninety tons and under one hundred tons, three shillings :

For every decked vessel of one hundred tons and under one hundred and twenty tons, three shillings and six pence :

For every decked vessel of one hundred and twenty tons and under one hundred and fifty tons, four shillings :

For every decked vessel of one hundred and fifty tons and under one hundred and eighty tons, four shillings and six pence :

For every decked vessel of one hundred and eighty tons and under two hundred tons, five shillings :

For every decked vessel of two hundred tons and under two hundred and twenty tons, five shillings and six pence :

For every decked vessel of two hundred and twenty tons and under two hundred and forty tons, six shillings :

For every decked vessel of two hundred and forty tons and under two hundred and sixty tons, six shillings and six pence :

For every decked vessel of two hundred and sixty tons and under two hundred and eighty tons, seven shillings :

For every decked vessel of two hundred and eighty tons and under three hundred tons, seven shillings and six pence :

For every decked vessel of three hundred tons and under three hundred and twenty tons, eight shillings :

For every decked vessel of three hundred and twenty tons and under three hundred and forty tons, eight shillings and six pence :

For every decked vessel of three hundred and forty tons and under three hundred and sixty tons, nine shillings :

For every decked vessel of three hundred and sixty tons and under three hundred and eighty tons, nine shillings and six pence :

For every decked vessel of three hundred and eighty tons and under four hundred tons, ten shillings :

For every decked vessel of four hundred tons and under four hundred and fifty tons, eleven shillings and three pence :

For every decked vessel of four hundred and fifty tons and under five hundred tons, twelve shillings and six pence :

And the sum of one shilling and three pence for every additional fifty tons.

3. Any ship or vessel which shall be lying at any wharf or wharves in the City or Parish aforesaid, not for the purpose of loading or unloading, and which shall or may be in a condition to be removed, shall be removed from such wharf or wharves when such wharf or wharves may be required for the use of any other vessel to load, unload, or careen thereat ; and on the refusal of the master, owner, or person having charge of any such ship or vessel to remove the same after reasonable notice so to do, such master, owner, or person having charge as aforesaid, shall forfeit and pay to the owner or owners, lessee or lessees of such wharf or wharves, or to his or their agents, the sum of two pounds for each and every day such

vessel may remain at such wharf or wharves over and above the rate of dockage herein established, to be recovered on the oath of one or more credible witness or witnesses, before any one of Her Majesty's Justices of the Peace for the County or City and County of Saint John, and levied by warrant of distress and sale of the goods and chattels of the master, owner, or person in charge of such ship or vessel, or of the boats, apparel, or tackle of the said ship or vessel, rendering the overplus (if any) after deducting the costs and charges of prosecution and sale, to such master, owner, or person having charge of the said ship or vessel.

4. Every ship or vessel which shall be made fast to any other ship or vessel lying at any of the said wharves, or which (lying outside another vessel) shall be made fast to such wharf or wharves, shall be deemed liable to pay one half the rate of dockage herein established, and quarter wharfage for the privilege of fastening at such wharf without lying at or immediately adjoining the same.

5. The rate of dockage established by the second Section of this Act, shall and may be recoverable from the master, owner, agent, person in charge, or consignee of the ship or vessel liable to the same, or any one of them; provided always, that the agent or consignee shall in no case be liable to pay the same after the departure of such ship or vessel, unless an account or written demand of the same be delivered to or left at the usual place of business of such agent or consignee, at least twelve hours before such departure; and provided also, that if such agent or consignee within six hours after service of the said account or written demand as aforesaid, shall cause notice to be given to the person or persons demanding such dockage, or left at his last place of business, that no funds of the master or owner of such ship or vessel remain in the hands or under the control of the said agent or consignee, such agent or consignee shall not be deemed or taken to be liable to pay such dockage.

6. Repealed by 18 V. c. 41, s. 1.

7. If the owner, consignee, or agent of any of the articles, matters, and things mentioned in the sixth Section of this Act, which may have been landed or shipped from any wharf or wharves in the City or Parish aforesaid, shall refuse to pay

the wharfage of the same agreeably to the foregoing rates, when required so to do by the person or persons entitled to demand the same, the same may be recovered before any one of Her Majesty's Justices of the Peace of the City or County of Saint John, in the manner prescribed by the third Section of this Act.

8. And whereas it sometimes happens that a ship or vessel when loading, discharging, or moored, becomes liable to pay for the use of two or more wharves, either on account of dockage or wharfage, or by reason of obstructing the adjoining wharf or wharves, and disputes frequently occur in settling the proportion fairly due to each wharf, subjecting the master, agent, owner, or consignee of such ship or vessel to several vexatious demands; for remedy whereof,—It shall and may be lawful for His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of Her Majesty's Executive Council, to nominate and appoint, and at his pleasure to remove, and from time to time to re-appoint, three fit and proper persons residents of the said City or Parish, to be Commissioners of Wharves in the same, whose duty it shall be, on being thereto required by the person or persons interested, and on receiving a fee of ten shillings each, personally to inspect any wharf or wharves in the said City or Parish liable to be partially used, occupied, or obstructed by a vessel or vessels loading, discharging, or lying at the adjoining wharf or wharves, and upon such inspection to declare in writing under their hands, or the hands of the majority of them, what rate or proportion of the lawful dockage or wharfage each party shall thereafter be entitled unto, and such declaration shall be final and conclusive between the parties; and the master, agent, owner, consignee, or person in charge of any ship or vessel, shall be liable to pay to each party the proportion and rate so assigned, and no more, so long as the said written declaration shall remain unrescinded or unaltered by such Commissioners.

9. It shall and may be lawful for the person or persons entitled to receive any dockage or wharfage, or proportion of any dockage or wharfage under this Act, to proceed therefor byailable *capias*, any law to the contrary notwithstanding.

10. Nothing herein contained shall infringe, impair, or do

away any right which the Mayor, Aldermen, and Commonalty of Saint John have or possess by the Charter of the City as by law established.

11. This Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and forty five.

6th VICTORIA—CHAPTER 35.

An Act for the amendment of the Charter of the City of Saint John.

Section.

- 1 & 2. Repealed.
3. Annual licences to trade, to whom and how granted.
4. The same to Aliens, when and how.
5. Aldermen, &c. when may be expelled.
6. Repealed.
7. Chamberlain, when may be displaced, &c.

Section.

8. Penalties, how and by whom may be enforced.
9. Repealed.
10. Receipts and expenditures of Corporation, when and where published.
11. Mayor, Clerk, &c. how remunerated.
12. Fees of Mayor, &c. how paid over.

Passed 11th April 1843.

WHEREAS sundry improvements are requisite in the Charter of the City of Saint John, and the Mayor, Aldermen, and Commonalty of the said City, and a large and respectable number of the inhabitants thereof, being freemen and freeholders, have by their petition prayed that such improvements may take place in the said Charter, and that the same may accordingly be amended by Law ;—

Be it therefore enacted, &c.—1 & 2. Repealed by 16 V. c. 37, s. 1.

3. It shall and may be lawful for the Mayor of the said City, and he is hereby authorized to licence persons, being natural born British subjects, or such as shall become naturalized or be made denizens, to use any art, trade, mystery, or occupation, or carry on any business in merchandise or otherwise, within the said City, on paying yearly such sum, not exceeding five pounds nor less than five shillings, to be fixed and determined by an ordinance of the Corporation, for the use of the Mayor, Aldermen, and Commonalty of the said City of Saint John, together with the fees of office, and be subject also to the payment of all other charges, taxes, rates, or assessments as any freeman or other inhabitant of the said City may by law be liable to or chargeable with.

4. Aliens, the subjects of any other country at peace with

Great Britain, may be licenced by the Mayor of the said City, to use any art, trade, mystery, or occupation, or to carry on any business in merchandise or otherwise, within the said City, on paying annually for the use of the Mayor, Aldermen, and Commonalty of the said City, a sum not exceeding twenty five pounds nor less than five pounds, together with fees of office, to be regulated by ordinance of the Corporation, and be subject also to the payment of all other charges, taxes, rates, or assessments as any freeman or other inhabitant of the said City may by law be liable to or chargeable with.

5. The Common Council of the said City shall have power and authority, in the event of any one of the Aldermen or Assistant Aldermen of the said City being found guilty of grossly improper conduct at any of the meetings of the said Common Council, (two thirds of the members of the said Council concurring therein,) to expel such member from the said Common Council, and the member so expelled shall thereby forfeit all his right and power as an Alderman or Assistant Alderman for the year for which he may have been elected; and it shall and may be lawful for the Mayor of the said City, and he is hereby required forthwith after such expulsion, to order a new election for the choice of some properly qualified person to serve in the place of the member so expelled.

6. Repealed by 16 V. c. 37, s. 1.

7. The Common Council of the said City shall have full power and authority from time to time to displace the Chamberlain or Treasurer of the said City, appointed under and by virtue of the said Charter, for neglect of duty or other misconduct, (two thirds of the members of the Council concurring in the motion,) and appoint another in his place.

8. The Mayor, Aldermen, and Commonalty of the said City, shall and may have power, by their bye laws, to enforce the payment of penalties thereby imposed by imprisonment of the offenders for a limited period of time, not exceeding forty days, in case no goods or chattels can be found whereon to levy the said penalties; provided always, that such bye laws before being carried into force shall be confirmed by the Lieutenant Governor or Commander in Chief and Executive Council of the Province.

9. Repealed by 16 V. c. 37, s. 1.

10. It shall be the duty of the Common Council of the City to publish in two of the Newspapers published in the City two months before the annual election of Charter officers in each year, for the information of the citizens of Saint John, a full and detailed statement of the receipts and expenditure of the Corporation during the year, and in every such statement the different sources of City revenue and the amount received from each, the several appropriations made by the Common Council, the objects for which the same were made, and the amount of moneys expended under each, the moneys borrowed on the credit of the Corporation, the authority under which each loan was made, and the terms on which the same was obtained, shall be clearly and particularly specified, and such statement and accounts shall be made up to the thirty first day of December preceding such publication in every year.

11. From and after the passing of this Act the Mayor, Common Clerk, Chamberlain, and all the other officers of the Corporation shall be remunerated by fixed salaries, to be settled, adjusted, and determined from time to time by the Common Council of the said City ; provided always, that the salary of the Mayor so to be settled shall not be less than four hundred pounds, and the salary of the Clerk not less than [the words here omitted are repealed by 11 V. c. 29, s. 1] which salaries shall be in lieu and substitution of all fees by them receivable under and by virtue of their respective offices.

12. All costs, fees, and emoluments whatever payable to and receivable by the said Mayor, Common Clerk, and Chamberlain, or any other officer of the said City, judicial or ministerial, for any act, matter, or thing done by him or them by virtue of his office in any capacity whatever, shall be paid by such officer on receiving them or entitled thereto to the Chamberlain or Treasurer of the said City for the time being, for the public use of the said City, in such manner and under such rules and regulations for duly accounting therefor as the Common Council shall by bye law, rule, or ordinance from time to time prescribe and determine, and under and subject to such pains and penalties as the Common Council may by bye law, rule, or ordinance from time to time prescribe and determine.

6th VICTORIA—CHAPTER 37.

An Act to establish a Register of Freemen of the City of Saint John in lieu of the Register lately destroyed by fire.

Section.

1. Register, new, how made.

Section.

2. Register, what to be established.

Passed 11th April 1843.

WHEREAS in consequence of the destruction by fire of the Register of Freemen of the City of Saint John, it is necessary to provide for the establishment of a new Register;—

Be it therefore enacted, &c.—1. It shall and may be lawful for the Mayor, Aldermen, and Commonalty of the City of Saint John, and full power and authority is hereby given to them at any Common Council hereafter to be holden, to frame, constitute, ordain, and make all such laws, ordinances, or bye laws as shall and may be necessary to establish and make a new Register of the Freemen of the said City, in lieu and place of the said Register so destroyed.

2. Any Register to be established and made in pursuance of any law, bye law, or ordinance of the said Common Council made and passed under and by virtue of this Act, shall to and for all purposes and intents whatever be and be held and taken to be the Register of Freemen of the said City of Saint John, in lieu and place of the said Register so destroyed.

7th VICTORIA—CHAPTER 22.

An Act in addition to an Act intituled *an Act to prevent Nuisances within the City of Saint John.*

Section.

1. Letting dwelling houses without privies, penalty, &c.
2. Grand Jury, what buildings may enter, and for what.

Section.

3. What letting deemed a misdemeanor.
4. What bye laws may be made, and by whom.
5. Act when to be in force.

Passed 25th March 1844.

WHEREAS buildings have been erected in the City of Saint John, covering the whole ground belonging to the owner thereof, without privies or any means to accommodate the tenants thereof, whereby the streets in front of or near the same have been encumbered with noxious and offensive matter, and the air rendered impure and injurious to health and annoying to passengers: And whereas vacant lots within the said City have frequently been left on the sides of the public

streets without fences or any protection against accidents, to the peril of the lives and limbs of the inhabitants;—

Be it therefore enacted, &c.—1. If any dwelling house already erected or hereafter to be erected within the City of Saint John, shall be let or leased to any one or more tenants, without a sufficient privy or privies for the size of the building and the number of tenants the same is capable of containing, either in the yard attached to the said building, or in some suitable part or parts of the said building, with good and sufficient drains leading therefrom and falling into the Harbour of Saint John, or other means of keeping the same clean, every person or persons owning or letting such dwelling house not so provided with a privy or privies as aforesaid, shall forfeit and pay the sum of two pounds for each and every tenant of the said building, and the further sum of one pound per week for each and every week the said tenants, or any of them, shall be allowed to remain in such building after the time of their first occupation, or after the notice of the nuisance to such owner or owners, or person letting or leasing the same, to be given by the person or persons hereinafter mentioned, to be recovered on conviction before any two of Her Majesty's Justices of the Peace for the City and County of Saint John, on the oath of one or more credible witness or witnesses, and levied by warrant of distress and sale of the goods and chattels of the offender or offenders, and for want thereof, his, her, or their body or bodies to be taken to the common gaol, and there kept for fourteen days, unless sooner discharged by payment of such penalty; and when recovered, to be paid, after deducting the costs of prosecution, into the hands of the Chamberlain of the said City, to be appropriated by the Common Council of the said City in removing nuisances from the streets of the said City, and keeping the same in order.

2. It shall and may be lawful for any Grand Jury of the said City and County of Saint John, or any two members of the Common Council of the said City, or person or persons appointed or directed by the said Common Council, to enter into and upon any building so erected or to be erected in the said City, suspected of not being furnished with such privy or privies, and let as aforesaid, for the purpose of inspecting the same and every part thereof; whose duty it shall be, on finding

any infringement of this Act, forthwith to notify the owner or owners thereof, or persons letting the same, and to cause proceedings to be had under this Act against the offender or offenders.

3. Every owner or owners of such premises, landlord, or person letting the same, without having a privy or privies attached to the said building, with other means of keeping the same clean as aforesaid, shall be deemed guilty of a misdemeanor.

4. It shall and may be lawful for the Mayor, Aldermen, and Commonalty of the City of Saint John, in Common Council convened, from time to time to make such bye laws and ordinances for the suppression of the nuisances aforesaid, in connection with the good order and cleanliness of the streets of the said City, and for the purpose of compelling the owners or persons interested in any vacant land situate on the sides of any of the public streets, lanes, wharves, highways, or bridges of the said City, to erect fences thereon to prevent injury to the inhabitants in passing or repassing, as they may think necessary, and may impose, levy, and receive such reasonable fines for any breach of any of the provisions of such laws and ordinances, or enforce the payment of such reasonable expenses for erecting and keeping up such fences, in case of neglect or refusal by such person or persons to erect and keep up the same, as the said Mayor, Aldermen, and Commonalty may think fit.

5. This Act shall not come into operation until the first day of June next.

7th VICTORIA—CHAPTER 37.

An Act for more effectually securing the Navigation of the River and Harbour of Saint John, in the City and County of Saint John.

Section 1.—Slabs, &c. throwing into river, &c. Penalty, &c.

Passed 13th April 1844.

WHEREAS a number of Mills have been erected for the manufacture of Lumber along the banks of the River, and around the Harbour of Saint John, in the City and County of Saint John, and great quantities of slabs and edgings are there

cut and thrown into the said River and Harbour, thereby filling up the channel, injuring the anchorage, and obstructing the navigation thereof;—

Be it therefore enacted, &c.—1. From and after the passing of this Act, any person or persons who may be the owner or owners of any mill or mills already erected, or that may be erected on or near any part of the banks or shores of the River or Harbour of Saint John, or of any bay, cove, creek, or stream falling into the said River or Harbour of Saint John, within the City and County of Saint John, for the manufacture of lumber of any description, or any person or persons who may be engaged in manufacturing lumber in any such mill or mills, who shall throw, or cause, suffer, or permit to be thrown, by any person or persons who may in any way be employed by them, any slabs, edgings, rinds, bark, or chips made or cut at any such mill or mills, or shall suffer or permit the same, or any part thereof, to fall, roll, or float into any part of the said River or Harbour of Saint John, within the said City and County of Saint John, or into any bay, cove, creek, or stream falling into the said river or harbour, within the said City and County, every such owner of such mill or mills, or other person or persons manufacturing lumber at any such mill or mills, or any person or persons whether interested in the manufacture of such lumber or otherwise, offending against the provisions of this Act, shall forfeit and pay a fine for every such offence, of a sum not exceeding twenty pounds, nor less than one pound, to be recovered, with costs of suit, before any two of Her Majesty's Justices of the Peace for the City and County of Saint John, at the suit of the Treasurer of the said County for the time being, on the oath of one or more credible witness or witnesses, and to be levied by warrant of distress and sale of the offender's goods and chattels; and if no goods or chattels can be found whereon to levy the same, then the offender or offenders to be committed by the warrant of the Justices to the common gaol of the said City and County, there to remain for any time not exceeding fifty days, unless the amount of such fine and costs shall be sooner paid; and such fine, when recovered, shall be paid into the hands of the Treasurer of the said County, for the public uses thereof; provided always, that no conviction under this Act shall be had or recorded against any

mill owner or manufacturer aforesaid for a breach of this Act by any other person or persons who may have become *bona fide* purchasers of any of the articles aforesaid, or may have obtained the same for their own use, or for consumption, unless the said mill owner or manufacturer may have been privy or consenting thereto, for the purpose of getting clear of the cuttings and rubbish aforesaid.

9th VICTORIA—CHAPTER 29.

An Act relating to the Public Debt of the Corporation of the City of Saint John.

Section.

1. Interest of public debt, how deficiency made up.
2. Carleton not affected.

Section.

3. Further debt not to be contracted till when.

Passed 11th April 1846.

WHEREAS the Mayor, Aldermen, and Commonalty of the City of Saint John, by their petition, accompanied and confirmed by sundry detailed Accounts and Schedules, have satisfactorily shewn that during a long period of years ending in the month of September in the year of our Lord one thousand eight hundred and forty five, they have incurred a debt in improving the streets, bridges, and ferries, in laying down common sewers, and in erecting public buildings, within the said City, for the convenience, health, and accommodation of the community, amounting in the whole to the sum of one hundred and fifteen thousand three hundred and sixty six pounds, and that the rents, annual profits, and produce of such parts of the Corporate property as are at present productive, will, unless from some unforeseen circumstances, yield and pay an annual interest of five per centum beyond their ordinary expenses, and that there is a large portion of land not yet leased, or producing any income to the Corporation; and further, that the income of the Corporation from ordinary revenues will increase in proportion to the increase of population, whereby in a very few years the Corporation will be enabled to pay off the interest, and gradually reduce the principal of the debt so incurred, and thereby not only save the property of the Corporation for the benefit of future generations, but prevent extensive taxation for future improvements in the City, and in the mean time that it is of importance to inspire confidence among the

creditors by securing to them the sum of five per centum annual interest on their claims, which it is believed (if it can be effected) they will readily accept of, as full interest for the money loaned, or if they should not, that other persons could be found willing to vest their money at that rate of interest: And whereas such confidence would be obtained by authorizing the Mayor, Aldermen, and Commonalty of the City of Saint John to levy an annual assessment on the said City for any deficiency which might arise in the net annual income of the said Corporation to pay the said interest of five per centum: And whereas it is just and reasonable that such deficiency of interest (if any there shall be) should be made up by those who have received and are now enjoying the benefit of the outlay which occasioned the said public debt, and that the said creditors should be made secure in the payment of the said interest;—

Be it therefore enacted, &c.—1. It shall and may be lawful for the said Mayor, Aldermen, and Commonalty of the City of Saint John, in Common Council convened, and they are hereby required in each and every year, between the first day of April and the first day of June, to order an assessment of such sum of money on the said City as shall amount to and make up the deficiency (if any) which may exist between the net annual income of the said Mayor, Aldermen, and Commonalty, and such sum of money not exceeding five per centum per annum interest in the whole on the said debt of one hundred and fifteen thousand three hundred and sixty six pounds, or any part thereof, so due by the said Mayor, Aldermen, and Commonalty of the City of Saint John, or on such sum of money as may be borrowed by them to pay off the said debt or any part thereof, not to exceed in the whole such interest of five per centum on the said sum of one hundred and fifteen thousand three hundred and sixty six pounds; and every such assessment shall be assessed, levied, and raised agreeably to the several Acts now in force or hereafter to be in force for the assessing, levying, and collecting of County or Town or Parish rates, charges, or expenses; and when collected, the same shall be paid into the hands of the Chamberlain of the said City for the use of the said Mayor, Aldermen, and Commonalty of the City of Saint John, to be by them applied to the sole purpose of paying off such deficiency of such interest; provided that no assessment

shall be made, under and by virtue of the authority given for the purposes aforesaid, of a greater sum in any one year than one thousand pounds currency, nor until the whole annual income from whatever source derived, (save and except the moneys coming into the hands of the said Mayor, Aldermen, and Commonalty, arising from Acts of Assembly now in force, authorizing assessments for special purposes, together with the indispensable annual charges for salaries and contingencies,) shall be first applied towards the payment of such interest on the said debt.

2. Nothing in this Act contained shall extend or be construed to extend to affect any of the existing legal or equitable rights and privileges of the freemen and inhabitants of Carleton, on the western side of the said City, which they now possess or are entitled to enjoy under and by virtue of the Charter of the said City.

3. It shall not be lawful for the said Mayor, Aldermen, and Commonalty of the City of Saint John to contract or become bound for any further debt or debts, or borrow any further sum or sums of money while the said debt of one hundred and fifteen thousand three hundred and sixty six pounds, or any part thereof, remains unpaid, or the loan of money which may be obtained by the said Mayor, Aldermen, and Commonalty of the City of Saint John, for the purpose of paying the same or any part thereof, shall remain unsatisfied; and any contract, obligation, or other instruments whatever, whereby any new debt may be incurred by the said Mayor, Aldermen, and Commonalty of the City of Saint John, shall be and is hereby declared to be utterly null and void, except for the purposes contemplated by this Act.

9th VICTORIA—CHAPTER 30.

An Act relating to County and Parish Officers in the City and County of Saint John.

Section.

1. County, &c. officers, when to give security, &c.

Section.

2. Accounts when and how rendered. Disobedience how punished.

Passed 11th April 1846.

Be it enacted, &c.—1. All officers appointed, or who may be hereafter appointed for the City and County of Saint John,

by the Justices of the Peace for the said City and County of Saint John, at any General Sessions of the Peace to be held for the said City and County, or any Parish in said City and County, under the authority of any Act of Assembly made or to be made for that purpose, whose duty shall be to collect or receive and pay over any public moneys, shall be required by the said Justices at the time of receiving such appointment, to enter into bonds with such good and sufficient sureties, and in such sums of money as the said Justices may think proper to order; the same to be taken in the name of the Queen's Majesty, and to be conditioned for the payment of all moneys which shall come into their hands, on the order of the said Justices, or otherwise, by virtue of their respective offices, and for the due and faithful performance of the duties of their office, and whenever found necessary, the said bonds may be directed by the said Justices to be sued in the name of the Queen for the protection and benefit of the said City and County.

2. Every such County or Parish officer shall, when required by the said Justices at any General Sessions of the Peace, or at any Special Sessions for that purpose to be appointed at such General Sessions, or to be called by any two of the said Justices, render full, true, and detailed accounts of all public moneys received and paid by him under the orders of the said Justices, or by the authority of any Act of Assembly, or otherwise, by virtue of their respective offices, and shall, in like manner whenever ordered, pay over any sum or sums of money which by such accounts shall appear to be due by such officer or to have come to his hands as such officer as aforesaid, to such person or persons as the said Justices in such order may appoint to receive the same; and in case of disobedience of any such order, or the same shall not be attended to within ten days after the service of such order, it shall and may be lawful for the said Justices to cause such disobedient or refractory officer, by warrant under the hand of the Chairman of the Sessions, and certified by the Clerk, to be brought before the said Justices, and if such disobedience or improper conduct be persisted in, then, or at any time afterwards, to commit such officer to the common gaol, without bail or mainprize, until such order or orders of the said Justices shall be complied with; and such proceedings of the said Justices against

the said officer shall not in any case relieve the surety from liability on the bonds so entered into by them as aforesaid.

10th VICTORIA—CHAPTER 57.

An Act to alter and amend an Act intituled *An Act to provide for the erection of an Alms House and Work House, and to establish a Public Infirmary in and for the City and County of Saint John*.

Section.—1. Repeal of part of former Act.

Passed 14th April 1847.

WHEREAS in and by the sixth Section of an Act made and passed in the first year of the Reign of Her present Majesty, intituled *An Act to provide for the erection of an Alms House and Work House, and to establish a Public Infirmary in and for the City and County of Saint John*, it is enacted, *inter alia*, that the Alms House in the said City shall be used as and for a Public Infirmary, under the care, management, and direction of the said Commissioners, (meaning the Commissioners to be appointed under and by virtue of the second Section of the said Act): And whereas, at the time of making such enactment, the said Alms House, together with the grounds and lands on which it was built, was vested in, and was owned by the Corporation of the said City, and was transferred, with the other property belonging to the said Corporation, in September one thousand eight hundred and forty two, to Trustees, for the benefit of the creditors of the said Corporation, as by reference to the Trust Deed then executed, will more fully and at large appear: And whereas such investment of the Alms House, by the said sixth Section, was not warranted;—

Be it therefore enacted, &c.—1. So much of the said sixth Section of the hereinbefore recited Act, vesting the care, management, and direction of the said Alms House in the Commissioners appointed or to be appointed under and by authority of the second Section of the said Act, be and the same is hereby repealed.

11th VICTORIA—CHAPTER 12.

An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John.

Section.

1. Police force in Portland, by whom established.
2. Before whom Magistrate sworn.
3. Salary of.
4. Policemen to be appointed, by whom, &c.
5. Regulations for government of, by whom made.
6. Tavern keepers harbouring, penalty.
7. Duty of, as to disorderly persons, &c.
8. Penalty for neglect of duty.
9. Not to resign without consent.
10. Penalty for resisting Policemen, &c.
11. Penalty for breaking lamps, &c.
12. Penalty for Policeman receiving rewards beyond his salary.
13. Penalty for certain offences.
14. Policemen, when may arrest persons, and for what offences; penalty.
15. Policemen may enter houses, &c.
16. Construction of Act.
17. Penalty, &c. in certain cases.
18. Indictment, when may be preferred.
19. Magistrate, when may convict summarily.
20. Commitment to gaol, when may be.
21. Magistrate's duty attending Police office, &c.
22. Magistrate's warrant, where executed.
23. What informations, &c. may be proceeded with and when.
24. Service of summons.
25. Warrant without summons, when.
26. Subpœnas, how enforced, &c.
27. What deemed perjury.
28. Costs, when awarded.
29. Amends, when awarded.
30. Summary offences, when determined, &c.

Section.

31. Penalties, &c., how levied.
32. Moneys received, to whom to be paid over.
33. Treasurer to receive same.
34. Magistrate and Policemen, from what exempt.
35. Informations, &c., in what form.
36. Proceedings, when not quashed.
37. Appeal.
38. Distress, when not unlawful.
39. On tender of amends, when party not to recover.
40. What required before commencing suit.
41. When parents, &c. liable for children.
42. Lock-up house, by whom and where established.
43. Under what control.
44. Expenses of establishment, when and by whom to be made.
45. Assessment for, how made.
46. Fines, &c. by whom receivable.
47. Statute labour fines, by whom enforced.
48. Treasurer and Collector to give security.
49. Commissioners of Police, by whom appointed.
50. Commissioners' duties.
51. Commissioners' duty as to transmitting state of Police, &c.
52. Repealed in part. Jurisdiction of Magistrate.
53. Police suits, by whom brought, &c.
54. Keeper of lock-up house, by whom appointed. Rules, &c. for same, by whom made.
55. Appeal against assessments, how made.
56. Limitation.

Passed 30th March 1848.

WHEREAS offences against life and property have of late greatly increased in the Parish of Portland, in the City and County of Saint John, and it is expedient to establish an efficient system of Police in the said Parish;—

Be it therefore enacted, &c.—1. It shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to establish a Police Office in the said Parish, and to appoint thereto a Police Magistrate, who shall reside in the said Parish, and shall be ex-officio a Justice of the Peace in the said City and County of Saint John, and shall also be invested with all such other duties and powers as shall be hereinafter specified.

2. Every person to be appointed as Police Magistrate by virtue of this Act shall, before he shall begin to execute the

duties of his office, take and subscribe the following oath before one of the Judges of the Supreme Court of this Province :—

‘ I, A. B. do swear, that I will faithfully, impartially, and honestly, according to the best of my skill and knowledge, execute all the powers and duties of a Police Magistrate and Justice of the Peace, under and by virtue of an Act passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John.*’

3. An annual salary of a sum not exceeding three hundred pounds shall be paid quarterly to such Police Magistrate out of the funds hereinafter provided.

4. A sufficient number of fit and able men, not exceeding fifteen, shall from time to time be appointed by the said Police Magistrate, as a Police force for the said Parish of Portland, who shall be severally sworn in by such Police Magistrate, to act as constables for the preserving the peace, and the preventing all felonies, and apprehending offenders against the peace; and the men so sworn shall, not only in the said Parish of Portland, but also generally within the City and County of Saint John, have all such powers, authorities, privileges, and advantages, and be liable to all such duties and responsibilities as any constable duly appointed now has or hereafter may have, or is or may be liable to within his constablewick, by virtue of the common law, or any Statute or Act of Assembly made or to be made, and shall obey all such lawful commands as they or any of them may from time to time receive from the said Police Magistrate for conducting themselves in the execution of their office.

5. The said Police Magistrate may from time to time, subject to the approval of the Lieutenant Governor or Administrator of the Government for the time being, in Council, frame and establish such orders and regulations as he shall deem expedient, relative to the general government of the men to be appointed members of the Police force under this Act; the place of their residence; the classification, rank, and particular service of the several men; their distribution and inspection; the description of arms, accoutrements, and other necessities to be furnished to them; and all such other orders and regulations

relative to the said Police force, as the said Police Magistrate shall from time to time deem expedient, for preventing neglect or abuse, and for rendering such force efficient in the performance of all its duties ; and the said Magistrate may at any time dismiss or suspend from his employment any man belonging to the said Police force whom he shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same ; and when any man shall be so dismissed, or cease to belong to the said Police force, all powers and privileges vested in him as a constable of the said force, or otherwise, by virtue of this Act, shall immediately cease and determine.

6. If any tavern keeper, victualler, or keeper of any house, shop, room, or other place for the sale of any liquors, whether spirituous or otherwise, shall knowingly harbour or entertain any man belonging to the said Police force, or permit any such man to abide or remain in his house, shop, room, or other place, during any part of the time appointed for his being on duty, every such tavern keeper, victualler, or keeper as aforesaid, being convicted thereof before the said Police Magistrate, shall for every such offence forfeit and pay such sum, not exceeding five pounds, as the said Magistrate shall think meet.

7. It shall and may be lawful for any constable belonging to the said Police force, during the time his being on duty, to take into custody, without warrant, all loose, idle, and disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of having committed or being about to commit any felony, misdemeanor, or breach of the peace ; and all persons whom he shall find between the hours of nine P. M. and five o'clock A. M. during the months of March, April, May, June, July, August, September, and October, or between the hours of seven o'clock P. M. and six o'clock, P. M. during the months of November, December, January, and February, lying or lurking in any highway, yard, or other place, and not giving a satisfactory account of themselves ; and also to take into custody without warrant as aforesaid, any person who in the Parish aforesaid shall be charged by any other person with committing any aggravated assault, in every case in which such constable shall have good reason to believe that such assault has been committed, although not within view of such constable, and that by reason of the recent

commission of the offence a warrant could not have been obtained for the apprehension of the offender, in order that such person may be secured until he can be brought before the said Police Magistrate to be dealt with according to law.

8. Every constable who shall be guilty of any neglect or violation of his duty in his office of constable, shall be liable to a penalty of not more than ten pounds at the discretion of the said Police Magistrate, the amount of which penalty may be deducted from any salary then due to such offender ; or in the discretion of the Magistrate, such offender may be imprisoned in the common gaol of the City and County of Saint John for any time not more than one calendar month.

9. No constable belonging to the said Police force shall be at liberty to resign his office, or to withdraw himself from the duties thereof, unless expressly allowed to do so in writing by the said Police Magistrate, or unless he shall give to such Magistrate one calendar month's notice in writing of such his intention ; and every constable who shall so resign or withdraw himself without such leave or notice, shall be liable to forfeit all arrears of pay then due to him, or to a penalty of not more than five pounds, to be recovered as hereinafter provided.

10. If any person shall threaten, assault, or resist, wilfully mislead, give false information to, impede, interrupt, or otherwise attempt to prevent, interfere with, or deter any person belonging to the said Police force, in the execution of his duty, or shall aid or incite any person or persons to assault or resist, impede, prevent, interfere with, or deter as aforesaid, every such offender, being convicted thereof as hereinafter provided, shall for every such offence forfeit and pay a sum not exceeding twenty pounds.

11. Any person who shall wilfully break or cause to be broken any lamp or lamps, window or windows, or who shall throw any stone, snow ball, or other missile, at any lamp or lamps, window or windows, in any public street, thoroughfare, alley, road, or bye road, within the Portland Police District, established by this Act, shall be liable to a penalty of five pounds, to be recovered as hereinafter provided.

12. No person belonging to the said Police force shall be at liberty to take or receive any fee, reward, or compensation for doing or for abstaining from doing any act or thing done or

performed, or to be done or performed in his official capacity, (whatever it may be) as attached to the said Police force; and any such person convicted of any such offence as aforesaid, shall forfeit any such fee, reward, or compensation so received, and shall be liable to a penalty of not less than five pounds, to be recovered as hereinafter provided; and shall, at the discretion of the said Police Magistrate, be dismissed from his employment in such Police force, and be rendered incompetent to be attached to the same again; provided always, that this Section be not construed to apply to any reward offered by public proclamation or by the public authorities for the apprehension of any offender or offenders.

13. Every person shall be liable to a penalty of not more than forty shillings, who, within the limits of the Portland Police District, shall in any thoroughfare or public place, commit any of the following offences, that is to say:—

First.—Every person who shall discharge any gun, pistol, blunderbuss, or other species of fire arms of any nature or kind whatever, in any public street, thoroughfare, alley, road, or bye road, or within two hundred feet of any public street, thoroughfare, alley, road, or bye road:

Second.—Any person who shall make any bonfire, or set off any rocket, squib, cracker, or any other species of fire work in any public street, thoroughfare, alley, road, or bye road, or within one hundred feet of any such public street, thoroughfare, alley, road, or bye road:

Third.—Any person who shall throw snow balls, stones, dirt, or other missile, in or into any public street, thoroughfare, alley, road, or bye road:

Fourth.—Any person who shall coast on a sled, or who shall make or use any slide upon ice or snow, down, through, in, or along any public street, thoroughfare, alley, road, or bye road:

Fifth.—Any person who shall play at pitching coppers, or any other game or games of any nature or kind whatsoever, in any public street, thoroughfare, alley, road, or bye road, to the annoyance or inconvenience of the persons passing along such street, thoroughfare, alley, road, or bye road:

Sixth.—Any person who shall use any obscene or profane language, any violent cursing or swearing, or shall indecently expose his person or any part thereof, in any public street, thoroughfare, alley, road, or bye road:

Seventh.—Any person who shall, by insulting or abusive language or behaviour, taunting epithets, or threatening gestures, attempt to provoke another person to commit a breach of the peace in any public street, thoroughfare, alley, road, or bye road, or whereby a breach of the peace may be occasioned:

Eighth.—Any person who shall be found drunk or feigning to be drunk, or making any loud bawling, yelling, screaming, singing, or shouting, in any public street, thoroughfare, alley, road, or bye road:

Ninth.—Every person who shall turn loose any horse or cattle, or suffer to be at large any unmuzzled ferocious dog, or set on or urge any dog or other animal to attack, worry, or put in fear any person, horse, or other animal:

Tenth.—Every person who shall ride or drive furiously, or so as to endanger the life or limb of any person, or to the common danger of the passengers in any thoroughfare, alley, street, road, or bye road:

Eleventh.—Every person who shall lead or ride any horse or other animal, or draw or drive any cart or carriage, sled, truck, or barrow, upon any footway or curb stone, other than for the purpose of crossing the same, or fasten any horse or other animal so that it can stand across or upon any footway:

Twelfth.—Every person who, without the consent of the owner or occupier, shall affix any posting bill or other paper against or upon any building, wall, fence, or pale, or shall inscribe or delineate any thing thereon with chalk or paint, or in any other way whatsoever, or wilfully break, destroy, or damage any part of any such building, wall, fence, or pale, or any fixture or appendage thereunto, or any tree, shrub, or seat, in any public walk or garden, or shall write or draw any indecent or obscene word, figure, or representation, on any such building, wall, fence, pale, or any fixture or appendage thereunto:

Thirteenth.—Every person who shall wilfully and wantonly disturb any inhabitant, by pulling or ringing any door bell, or knocking at any door without lawful excuse, or who shall wilfully and unlawfully extinguish the light of any lamp:

Fourteenth.—Every person who, in any public thoroughfare, shall throw or lay any dirt, litter, or ashes, or any carrion, fish, offal, or rubbish, or throw or cause any such thing to fall into any sewer, pipe, or drain, or into any well, stream, or water

course, pond, or reservoir for water, or cause any offensive matter to run from any manufactory, brewery, slaughter house, butcher's shop, or dung hill, into any thoroughfare, or any uncovered place, whether or not surrounded by a wall or fence; but it shall not be deemed an offence to lay sand, ashes, or other materials in any thoroughfare, in time of frost, to prevent accidents, or litter or other materials, to prevent the freezing of water in pipes, or in case of sickness to prevent noise, if the party laying any such things shall cause them to be removed as soon as the occasion for them shall cease:

And it shall be lawful for any constable belonging to the said Police force to take into custody without warrant any person who shall commit any of the foregoing offences within view of any such constable.

14. In all cases where a gun, pistol, or any species of fire arms of any nature or kind, is fired from any house, shed, or barn, into any public street, thoroughfare, alley, road, or bye road, it shall and may be lawful for the constable in whose view the same shall have taken place, or for any constable to whom information thereof shall be communicated, forthwith to arrest the person or persons who fired said gun, pistol, or other fire arm, and if necessary, to enter into such dwelling house, barn, or shed, and search for the offender or offenders, and when discovered to take him or them into custody, and take him or them before the said Police Magistrate to answer for such offence; and in case of conviction, the person or persons who fired the said gun, pistol, or other fire arm, shall be liable to a penalty of not less than five pounds.

15. It shall be lawful for, and it shall be the duty of the said Police force, or any constable thereof, to enter into any house or premises in which they or he may hear any fighting or quarrelling going on, and endeavour to allay or repress the same, and failing so to do, to apprehend and take into custody the party or parties so fighting or quarrelling, and to carry him, her, or them before the Police Magistrate to be dealt with according to law.

16. In the construction of this Act, unless there be something in the context repugnant thereto, any word denoting the singular number, or the male sex, shall be taken to extend to any number of persons or things, and to both sexes.

17. For every other offence against this Act, for which no special penalty is herein appointed, the offender shall, at the discretion of the Magistrate before whom the conviction shall take place, either be liable to a penalty of not more than five pounds, or be imprisoned for any time not more than two calendar months in the common gaol of the City and County of Saint John, or the house of correction in the said County.

18. Nothing herein contained shall be construed to prevent any person from being indicted for any indictable offence made punishable on summary conviction by this Act, or to prevent any person from being liable under any other Act or Acts to any other or higher penalty or punishment than is provided for such offence or offences by this Act, so nevertheless that no person be punished twice for the same offence.

19. The Police Magistrate appointed under this Act shall be empowered summarily to convict any person charged with any offence against this Act, on the oath of one or more witness or witnesses, or by his own confession, and to award the penalty or punishment herein provided for such offence.

20. In every case, on the adjudication of a pecuniary penalty under this Act, and non-payment thereof, it shall be lawful for the Police Magistrate to commit the offender to the common gaol or house of correction of the City and County of Saint John, or to the Penitentiary, for a term not more than two calendar months where the sum to be paid shall not exceed four pounds, the imprisonment to cease on payment of the sum due, and so on pro rata, of one month's imprisonment for every forty shillings fine, in the said common gaol, Penitentiary, or house of correction, at the discretion of the Magistrate.

21. The Police Magistrate shall attend at the Police Office every day, excepting Sundays, Christmas Day, Good Friday, and other public holidays, between the hours of ten of the clock in the forenoon and three of the clock in the afternoon, and at all such other times as urgent necessity may require, to hear and dispose of the different complaints that may be brought before him; and shall keep a book in which shall be entered a daily report of all complaints, convictions, penalties, imposts, and other matters which may have been heard and determined before and by him, or made and imposed by him; and shall also keep a book in which shall be regularly entered an account

in detail of all sums of money, whether arising from fines, penalties, convictions, costs, or fees received or expended by the said Police Magistrate, in connection with or on account of the said Police establishment; both of which books shall be submitted to the Justices in Sessions of the said City and County at each and every of their Quarterly Meetings, and shall be at all times subject to the inspection of the Lieutenant Governor of this Province or the Administrator of the Government for the time being, or such person as he may appoint to examine the same; and shall also be produced and exhibited by the said Magistrate for inspection, for all purposes connected with the administration of criminal justice in the City and County of Saint John, on being duly and legally notified to that effect.

22. Every warrant to compel the appearance of any person, or warrant for the apprehension of any person charged with any offence, issued by the said Police Magistrate, in respect of any matter arising within the Police District, may be served or executed out of the said District in any County or place within the Province of New Brunswick, by the constable or constables to whom the same shall be directed, and shall have the same force and effect as if the same had been originally issued or subsequently endorsed by a Justice or Justices of the Peace having jurisdiction in the place where the same shall be served or executed.

23. Upon any information or complaint to be laid or made before the said Police Magistrate of any matter which such Magistrate is authorized to hear and determine summarily, the Magistrate may summon the party charged, and if such party shall not appear according to the tenor of the summons, the said Magistrate, upon proof of the service of the summons, may proceed in all cases which are not of a criminal nature, if no sufficient cause shall be shewn for the non-appearance of the party, to hear and determine the case in the absence of the party; and in all criminal cases shall issue his warrant for apprehending and bringing such party before him or some other Magistrate, in order that the said information or complaint may be heard and determined.

24. Every such summons shall be served by delivering a copy thereof to the party summoned.

25. The said Police Magistrate may, without issuing any summons, forthwith issue his warrant for the apprehension of any person charged with any offence cognizable before him, whenever good grounds for so doing shall be stated on oath before him.

26. The said Police Magistrate may subpœna any witness to appear and give evidence before him upon the matter of any offence cognizable before the said Police Magistrate, with which any person shall be charged before him, at a time and place appointed for hearing the information or complaint, and by warrant under his hand and seal may require any person to be brought before him who shall neglect or refuse to appear to give evidence at the time and place appointed in such subpœna, proof upon oath being first given of personal service of the summons upon the person against whom such warrant shall be granted; and such Magistrate may commit any person coming or brought before him, who shall refuse to give evidence, to the common gaol of the City and County of Saint John, there to remain without bail or mainprize for any time not exceeding fourteen days, or until such person shall sooner submit himself to be examined; and in case of such submission, the order of the said Police Magistrate shall be a sufficient warrant for the discharge of such person.

27. Every person who, upon any examination upon oath or affirmation before the said Police Magistrate, in any examination, investigation, trial, or proceeding pending before him as such Police Magistrate, shall wilfully and corruptly give false evidence, or shall wilfully or corruptly swear or affirm any thing which shall be false, shall be liable to the penalties of wilful and corrupt perjury.

28. It shall be lawful for any such Magistrate who shall hear and determine any charge or complaint, whether or not a warrant or summons shall have been issued in consequence of such charge or complaint, to award such costs according to the Table of Fees to be established by the Lieutenant Governor or Administrator of the Government of this Province for the time being, in Council, for the purposes of this Act, as to them shall seem meet, to be paid to or by either of the parties to the said charge or complaint.

29. And whereas informations are often laid for the mere

sake of gain, or by parties not truly aggrieved, and the offences charged in such informations are not further prosecuted, or it appears, upon prosecution, that there was no sufficient ground for making the charge;—In every case in which any information or complaint of any offence shall be laid or made before the said Police Magistrate, and shall not be further prosecuted, or in which, if further prosecuted, it shall appear to the Magistrate by whom the case shall be heard, that there was no sufficient ground for making the charge, the Magistrate shall have power to award such amends, not more than the sum of five pounds, to be paid by the informer to the party informed or complained against, for his loss of time and expenses in the matter, as to the Magistrate shall seem meet.

30. All offences committed within the limits of the Portland Police District, which under this Act are punishable on summary conviction before the said Police Magistrate, may be heard and determined by the said Magistrate sitting at the Police Office, in a summary way, within six calendar months at the furthest next after the commission of any such offence, and not afterwards, whether or not any information in writing shall have been exhibited or taken before said Police Magistrate; and all such proceedings by summons, without information in writing, shall be as valid and effectual as if an information in writing had been first exhibited in that behalf; provided always, that a note or memorandum in writing shall be made and kept in the Police Office, of the substance of every charge for which a summons or warrant shall be issued; provided also, that the Magistrate, if he shall think fit, may require an information in writing to be laid in every case in which it shall seem to him to be expedient, before the matter of the complaint or charge shall be brought before him; and the Magistrate shall examine into the matter of every complaint or charge brought before him, and if, upon the confession of the party accused, or on the oath of any one or more witnesses, the party accused shall be convicted of having committed the offence charged or complained of, the party so convicted shall pay such penalty as to the Magistrate shall seem fit, not exceeding the greatest penalty made payable in respect of such offence, together with the costs of conviction, to be ascertained by such Magistrate according to the table of fees before mentioned.

31. All penalties, forfeitures, and other sums of money imposed, awarded, or ordered to be paid by any Police Magistrate appointed under the authority of this Act, and all sums of money which any person is bound to pay under any recognizance taken before the said Magistrate, under and by virtue of this Act, which recognizance shall be taken in the name of the Commissioners hereafter named, and afterwards forfeited in case of non-payment thereof, may be levied, with the costs of such proceedings on non-payment, by distress and sale of the goods and chattels of the offender or person liable to pay the same, by warrant under the hands of such Magistrate; and the overplus (if any) of the money so raised or recovered, after discharging, with costs, the penalty, forfeiture, or sum ordered to be paid, shall be returned, on demand, to the party whose goods and chattels shall have been distrained; and in case any such penalty, forfeiture, or sum of money shall not be forthwith paid, it shall be lawful for such Magistrate to order the party to be detained in safe custody, until return can be conveniently made to such warrant of distress, unless such party shall give security to the satisfaction of the Magistrate for his appearance at such place and time, not being more than seven days from the time of such detention, as shall be appointed for the return of the warrant of distress; and the Magistrate is hereby empowered to take such security by way of recognizance or otherwise; but if upon the return of such warrant it shall appear that no sufficient distress could be had whereupon to levy the said penalty, forfeiture, or sum of money, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of the Magistrate, upon the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such penalty, forfeiture, or sum of money could be levied, if a warrant of distress should be issued, it shall be lawful for the Magistrate, by warrant under his hand, to commit such party or parties, as is hereinbefore provided in the twentieth Section of this Act.

32. All sums of money received by the said Police Magistrate for fees, fines, penalties, forfeitures, or costs incurred and paid under or by virtue of any of the provisions of this Act, shall be paid over by the said Police Magistrate on the first day of every month, (or in case the first should happen to be Sun-

day, or any public holiday, then on the first working day thereafter,) to the Treasurer of the Portland Police District to be appointed under this Act, to be by him kept or held, subject to the purposes and provisions of this Act.

33. It shall be the duty of the said Treasurer to receive all such moneys which may be so paid over to him by the said Magistrate under and by virtue of this Act, and to keep and retain the same, subject to the purposes and provisions of this Act.

34. The said Police Magistrate, and the constables appointed under and by virtue of this Act, and connected with the said Police establishment, shall be exempt from serving on any Juries or Inquests whatsoever, and from serving in the Militia of this Province, or complying with the requisitions of the several Acts for regulating the Militia in this Province.

35. The forms of information and conviction used under and by virtue of this Act, shall be the forms contained in the Schedule appended to this Act, respectively marked A and B, or as near thereto as the circumstances of each case will permit.

36. No information, conviction, or other proceeding before or by any such Police Magistrate, shall be quashed, or set aside, or adjudged void or insufficient for want of form, or be removed by certiorari into Her Majesty's Supreme Court or any other Court of this Province.

37. In every case of summary order or conviction before the said Police Magistrate, in which the sum or penalty adjudged to be paid shall be two pounds or upwards, or in which the penalty adjudged shall be imprisonment for any term more than one calendar month, any person who shall think himself aggrieved by such order or conviction, may appeal to the Supreme Court in banc, or to any Judge thereof; provided that such person, at the time of the order or conviction, or within forty eight hours thereafter, shall enter into a bond to the Commissioners hereafter named, in the sum of ten pounds, with two sufficient sureties, conditioned to try such appeal, and to abide the further judgment of the said Supreme Court, or of a Judge thereof, and to pay such costs as shall be by such last mentioned Court or Judge awarded; and it shall be the duty of the said Police Magistrate, upon being served with an order of the said Supreme Court, or of a Judge thereof, to

transmit to such Court or to such Judge the original depositions taken by him on the said trial and conviction in the same state in which they were taken at the time, without alteration or addition ; and the judgment of the said Supreme Court, or of such Judge thereof, shall be final and conclusive between and upon the parties, both as regards the conviction and also as to all costs arising or incurred in consequence of or by reason of such appeal.

38. When any distress shall be made for any money to be levied by virtue of the warrant of any such Police Magistrate, the distress shall not be deemed unlawful, nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the information, summons, warrant of apprehension, conviction, warrant of distress, or other proceeding relating thereto ; nor shall such party be deemed a trespasser from the beginning, on account of any irregularity which shall be afterwards committed by him ; but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage by an action on the case.

39. No plaintiff shall recover in any action for any irregularity, trespass, or other wrongful proceeding made or committed in the execution of this Act, or in, under, or by virtue of any power or authority hereby given, if tender of sufficient amends shall have been made by or on behalf of the party who shall have committed such irregularity, trespass, or other wrongful proceeding, before such action brought ; and in case no tender shall have been made, it shall be lawful for the defendant in any such action, by leave of the Court where such action shall depend, at any time before issue joined, to pay into Court such sum of money as he shall think fit, whereupon such proceeding, order, and adjudication shall be had and made in and by such Court, as in other actions where defendants are allowed to pay money into Court.

40. No action, suit, or information, or any other proceedings of what nature or kind soever, shall be brought, commenced, or prosecuted against any person for any thing done or omitted to be done in pursuance of this Act, or in the execution of the powers or authorities under this Act, unless twenty days previous notice in writing shall be given by the party intending to commence and prosecute such suit, information, or other pro-

ceeding, to the intended defendant, nor unless such action, suit, information, or other proceedings shall be brought or commenced within three calendar months next after the act committed, or in case there shall be a continuation of damage, then within three calendar months next after the doing or committing such damage shall have ceased, or unless such action, suit, or information shall be laid and brought in the City and County of Saint John.

41. And whereas many offences against this Act may be committed by children of tender years, whom it would be impolitic to send or commit to a Penitentiary or house of correction, and who might become useful members of society if properly brought up and preserved from the contamination of vicious associates;—In all cases where offences against this Act shall or may be committed by infants under the age of fourteen years, the fines imposed by reason of such offences, on the conviction of the offenders, shall be recoverable from the parents or parent of such child or children; and in case the child or children committing any such offence shall be an apprentice, servant, or orphan, or residing with any other person or persons than the parent or parents thereof, then and in every such case, the master, employer, guardian, or usual protector or harbourer of such child or children, shall be liable and subject to the payment of all such fines as may be imposed by reason of the offence or offences of such child or children; provided always, that before issuing any warrant or other proceedings against any such parent, master, employer, guardian, or other adult person, such parent or other person as aforesaid, shall be first duly summoned before the said Police Magistrate, and shall have the same rights and privileges of defending the case as if such parent or other person had personally committed the offence or offences charged against such child or children; provided also, that the exemption of such child or children from the pains and penalties of this Act, shall be at the discretion of the said Police Magistrate.

42. And whereas there is no place of security for the confinement of offenders within the said Parish of Portland, and the removal to and from the County gaol of persons committed for offences against this Act would often prove inconvenient, and tend greatly to the delay and hinderance of proceedings

under this Act ; for remedy thereof,—The Commissioners of Police to be appointed under and by virtue of this Act, be and they are hereby authorized and empowered to appoint and establish such building or place as to them may seem meet, to be a lock-up house in and for the said Police District ; and in case there should be no place or building within the said District sufficiently secure and fit for such purpose, then and in such case the said Commissioners are hereby authorized and empowered to contract and agree with able and sufficient workmen for building and finishing a lock-up house in and for the said Police District, and to agree for such sum or sums of money, not exceeding in amount the sum of two hundred pounds, as to them may seem meet, in order to carry their object into effect ; and the said Commissioners are hereby authorized and empowered to include the amount necessary for defraying the expense of erecting and finishing such lock-up house, not exceeding the said sum of two hundred pounds, in the first assessment to be made by them for the purpose of the said Police establishment, as hereinafter provided.

43. The said lock-up house shall be under the control and management of the said Commissioners of Police, and of the said Police Magistrate for the time being, and shall be to all intents and purposes a lawful place of committal and confinement of persons charged with offences against this Act during the time of proceeding, and until final judgment for such offence, at the discretion of the said Police Magistrate ; provided always, that it shall and may be lawful for the High Sheriff of the City and County of Saint John, or for any other officer having legal custody of any person or persons, who shall or may be arrested within the said Parish of Portland for any criminal offence, or breach of the peace, in all cases in which the said Sheriff or other officer could legally lodge the said person or persons in the common gaol of the said City and County, to commit such person or persons to the said lock-up house, until such person or persons can be removed to the said common gaol ; and further provided, that neither the said Commissioners of Police, nor the said Police Magistrate, nor any of them, shall be in any wise responsible for the safe custody of any person or persons so committed to the said lock-up house or house of correction by the said Sheriff or

other officer, but such responsibility shall rest only on such Sheriff or other officer, except in case of the wilful default, neglect, or other malfeasance of the keeper of such lock-up house.

44. The Commissioners of Police to be appointed under and by virtue of this Act as hereinafter provided, shall on or before the first day of May in each and every year, make an estimate in writing of the amount or sum of money necessary and expedient to be raised and provided for defraying the expenses for the current year, of supporting and maintaining the said Police establishment; such expenses being intended to include the salaries and allowances of and for the said Police Magistrate and constables, and the keeper of the said lock-up house; the costs and charges of maintaining the Police office, and its incidental expenditures; the allowances or payments to the Assessors and Collectors hereinafter mentioned; and all the costs, charges, and disbursements incidental to and necessary for the efficient maintenance and support of the said Police establishment and its appurtenances in general; and the said Commissioners shall file a copy of such estimates under their hands in the office of the Clerk of the Peace of the City and County of Saint John; and forthwith after the making and filing of such estimate, the amount or sum named therein, not exceeding the sum of one thousand two hundred pounds in any one year, shall be assessed and levied upon the inhabitants of the said Police District, in the manner hereinafter provided.

45. It shall and may be lawful for the said Commissioners from time to time, and as often as may be necessary and requisite under the provisions of this Act, to nominate and appoint three discreet persons, being freeholders or reputable householders in the said Parish of Portland, to act as Assessors under this Act, who shall be sworn to the faithful discharge of such duty before the said Police Magistrate, or some other Justice of the Peace in and for the said City and County of Saint John; and it shall and may be lawful for the said Commissioners by warrant under their hands and seals, to direct and require the said Assessors to make a rate or assessment of the amount or sum estimated and determined by the said Commissioners in manner hereinbefore provided, in due proportion, upon the inhabitants of the said Parish of Portland,

as hereinafter directed, that is to say, one fourth of the whole amount of such rate or assessment to be assessed and levied by an equal tax on the poll of every male inhabitant of the said district above the age of eighteen years; and the remaining three fourths of the whole amount of such rate or assessment to be assessed and levied in due proportion upon all real and personal estate situate and lying within the boundaries of the said Parish of Portland; which same rate and assessment to be made, shall be levied and collected by such person as the said Commissioners shall appoint to collect the same, in the same manner as Parish or County rates are or may be levied and collected by virtue of any Act or Acts of Assembly in force within the said City and County of Saint John; and when recovered shall be paid over by the said Collector to the Treasurer for the time being of the Portland Police District, appointed under and by virtue of this Act, to be by him received, retained, and applied for the purposes and under the provisions of this Act.

46. It shall be the duty of the said Commissioners of Police, and they are hereby authorized and required to receive and retain, by their Treasurer appointed under and by virtue of this Act, all moneys and sums of money, rates, and assessments levied and collected under this Act, and also all moneys and sums of money, fees, costs, fines, forfeitures, penalties, and amerciaments imposed, collected, or received by the said Police Magistrate under this Act, and therefrom and therewith to pay, disburse, and discharge all and all manner of expenses, costs, charges, salaries, allowances, liabilities, and outgoings whatsoever, legally chargeable upon or incurred and payable for the support and maintenance of the said Police establishment, or in any wise justly arising or becoming due in carrying out the purposes and provisions of this Act; such payments to be made by the said Treasurer, on the order or orders in writing, under the hands of the said Commissioners, or any two of them; and the receipt of such Treasurer for any moneys, sum or sums of money paid into his hands under this Act, shall be a good and sufficient discharge to the person or persons paying the same.

47. And whereas it would tend greatly to the convenience and benefit of the public in the said Police District, if the said

Police Magistrate were authorized and empowered to collect fines and dues from defaulters assessed for statute labour on the public roads in the said District;—It shall and may be lawful for the said Police Magistrate, and he is hereby authorized and required, whenever called upon for such purpose by the Assessors or any Collector of taxes in the said Police District, to collect and enforce payment of all fines, dues, and impositions incurred or payable by any person or persons residing in the said district, for default in performing such road work or statute labour as may have been lawfully assessed upon him or them, in the same manner and by the same process and authority as the same may or can be collected and enforced by any Justice or Justices of the Peace, under and by virtue of any Act or Acts of Assembly in that respect in force in the said City and County of Saint John at the time of collecting or requiring payment of the same; and it shall be the duty of the said Police Magistrate to pay all moneys and sums of money as by him collected and received, on demand, into the hands of the person or persons entitled by law to receive the same; and to pay all fees and costs charged and received by him on collecting the same, into the hands of the said Treasurer of the said Police District, in the same manner as all other fees and moneys are by this Act made payable by the said Magistrate to the said Treasurer; and such fees and costs shall be applied by the said Commissioners of Police in aid of the expenses and disbursements of the said Police establishment, and in reduction of the annual assessments for the support of the same.

48. Any person appointed under this Act to be Treasurer to the said Commissioners of Police, shall, before taking upon himself or entering upon the duties of such office, enter into bond to the said Commissioners and their successors, in the penal sum of five hundred pounds, together with two sufficient sureties, to be approved of by the said Commissioners, in the sum of two hundred and fifty pounds each, conditioned for the due and faithful performance of his duty as such Treasurer; and in like manner, any person appointed to be a Collector of any rates or assessments under this Act, shall enter into bonds to the said Commissioners and their successors, in the sum of five hundred pounds, together with two sufficient sureties, to

be approved of as aforesaid, in the sum of two hundred and fifty pounds each, for the due and faithful performance of his duty as such collector.

49. It shall and may be lawful to and for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, from time to time to nominate and appoint, (and also to remove, re-appoint, and replace, as may be expedient,) three fit and proper persons, being freeholders, resident in the said Parish of Portland, to be Commissioners for the purpose of carrying out the provisions, and superintending the operation of this Act, who shall be styled "Commissioners of Police for the Parish of Portland;" which said Commissioners, before they enter on the performance of their duties under this Act, shall severally take and subscribe an oath or affirmation before any Justice of the Peace in and for the City and County of Saint John, faithfully to perform the trust and duties required of them by this Act.

50. It shall be the duty of the said Commissioners, and they are hereby authorized and required to exercise a general and efficient supervision, inspection, and control of the fiscal and ordinary civil affairs and condition of the said Portland Police establishment; to nominate and appoint, remove and discharge the Treasurer of the said Police District, the Assessors and Collector for the said district, respectively, hereinbefore mentioned; and also all clerks, servants, keepers, and subordinate officers, (save and except constables of the Police force, and keeper of the lock-up house,) who may be requisite for duly carrying on the business and affairs of the said Police establishment, and in their places to nominate and appoint other fit and proper persons in their place or places respectively, as occasion may require; to fix and determine the salaries, emoluments, or allowances to be paid or allowed to the said officers and servants so by them appointed; to provide and furnish all such fuel, furniture, provisions, materials, and things of every description whatsoever, as in their judgment may be necessary for the due and efficient maintenance and business of the said Police establishment, whether as it respects the Police office, the Treasurer's office, the lock-up house, or otherwise; to receive, demand, recover, and control all and all manner of moneys, payments, dues, emoluments, and receipts

whatsoever, arising or payable from or in respect of the said Police office or Police Magistrate under and by virtue of this Act; and also all and all manner of moneys, rates, and dues raised or to be raised by any assessment or assessments under this Act, and all other payments, dues, grants of money, gratuities, emoluments, and perquisites whatsoever, which may at any time be given, granted, paid, or become due and payable from any source whatsoever, in respect of or for the benefit and purposes of the said Police establishment; and to disburse and expend such moneys in the payment of all and all manner of salaries, wages, debts, liabilities, and expenses of every description whatsoever, which may at any time be justly due or payable in respect of or for any of the purposes of the said Police establishment, under and by virtue of this Act; and the said Commissioners shall cause a record of all their proceedings and affairs to be duly kept in a book to be provided for that purpose.

51. The said Commissioners shall annually on or before the first Thursday in January in each and every year, cause a full, complete, and perfect statement in detail, of the state and condition, affairs and transactions of the said Police establishment, and of every department thereof, throughout the year ending on the preceding thirty first day of December; and also a just and detailed account of all receipts and expenditures for and on account of the said Police establishment during such year; to be transmitted in triplicate to the Lieutenant Governor or Administrator of the Government for the time being, for the information of His Excellency and of the Legislature; which statements and accounts shall be verified by the oath of one of the said Commissioners at least, who shall swear that the same are correct and true according to the best of his knowledge and belief.

52. Repealed in part by 14 V. c. 7, s. 3.—And the authority and jurisdiction of the said Police Magistrate shall extend to and be exercised over and in respect of all and all manner of offences, acts, matters, and things comprised within the purview of this Act, and in any wise mentioned or intended in and by this Act to be subject to the jurisdiction and control of the said Police Magistrate, and which shall be committed, done, happen, or arise within the boundaries of the said Police District.

53. All suits, actions, and proceedings, whether at law or in equity, for the recovery, maintenance, or defence of any moneys, dues, debts, penalties, recognizances, liabilities, rights, privileges, claims, or demands whatsoever due, or owing to, or claimed, or demanded by or on account of, or in any wise affecting or concerning the said Police establishment, or the said Commissioners of Police, as such Commissioners, shall be brought, commenced, instituted, and carried on in the joint names of the said Commissioners for the time being, notwithstanding the cause or causes of action, or ground or grounds of defence may have arisen or accrued previously to the appointment of such Commissioners, or either of them; and no such action, suit, or proceeding at law, brought by the said Commissioners, shall abate by reason of the death, removal, or appointment of any such Commissioner after the commencement thereof; but in case of such death, removal, or appointment, the fact shall be suggested on the Record, and the name of any new Commissioner so appointed shall be substituted on the Record in place of the name of the Commissioner so deceased or removed.

54. It shall and may be lawful for any Police Magistrate appointed under this Act to nominate and appoint a fit and proper person to be the keeper of the lock-up house for the said Police District, and such keeper to remove, discharge, replace, or reappoint at the discretion of the said Police Magistrate, and as circumstances may reasonably require; and it shall and may be lawful for the said Commissioners of Police, or any two of them, together with the said Police Magistrate, to make and establish rules and regulations for the government of the said lock-up house, and for the guidance of the keeper thereof; printed copies of which rules and regulations shall be posted up, and at all times kept visible in some conspicuous places in the said lock-up house, for the information of the said keeper and of all persons confined therein.

55. If any person rated or assessed under this Act shall think himself aggrieved by any rate or assessment at any time made as hereinbefore provided, it shall and may be lawful for such person, within the space of five days after the sum so rated and assessed shall be demanded in writing, to appeal to the Mayor or Recorder of the City of Saint John, whose decision

shall be final and conclusive ; and the filing of a memorandum in writing of such appeal in the said Police office, within the said five days, shall suspend all further proceedings for the recovery of the sum so assessed, until such appeal be decided.

56. This Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty one.

SCHEDULE OF FORMS TO BE USED UNDER THIS ACT.

A.—*Form of Information.*

Portland Police District, to-wit.

Be it remembered, that A. B. of in the County of
cometh on the day of in the year of our Lord one
thousand eight hundred and before me, C. D., Police
Magistrate of the Portland Police District, sitting at the Police
Office within the said District, and giveth me to understand and
be informed that E. F. hath been guilty of [*here describe the
offence.*]

B.—*Form of Conviction.*

Portland Police District, to-wit.

Be it remembered, that on the day of in the year
of our Lord one thousand eight hundred and E. F. is
brought before me, C. D., Police Magistrate of the Portland
Police District, sitting at the Police Office within the said
District, and is charged before me with having [*here describe
the offence*] : and it appearing to me, upon the confession of
the said E. F. (*or upon the oath of a credible witness, as the
case may be*) that the said E. F. is guilty of the said offence, I
do therefore adjudge the said E. F. [*here insert the adjudica-
tion.*]

—Given under my hand the day and year first above
written.

C. D. Police Magistrate.

TABLE OF FEES

*To be charged and taken by the Police Magistrate under
this Act.*

For every summons or subpœna,	£0	1	0
For every warrant, (except warrants of distress,)	0	1	6
For backing a warrant,	0	0	6

For every recognizance to appear before the Police					
Magistrate or to take trial,	£0	2	0		
For every recognizance to keep the peace, or to be					
of good behaviour,	0	3	6		
For every supersedeas,	0	1	0		
For every warrant of distress,	0	2	0		
For every affidavit,	0	1	0		
For every folio,	0	1	0		
And every folio over one hundred words, ..	0	0	6		
For every copy of summons or subpœna, ..	0	0	6		
For every trial and conviction,	0	3	6		
For examining each witness,	0	0	6		
For copy of proceedings furnished to any party re-					
quiring the same, for every folio,	0	0	6		
For transmitting proceedings to Judge on appeal,	0	5	0		
For bond on appeal,	0	2	6		

11th VICTORIA—CHAPTER 13.

An Act more effectually to provide for the support of a Nightly Watch and Day Police in that part of the City of Saint John lying on the eastern side of the Harbour of Saint John, and for lighting the same, as also for other purposes.

Section.

1. Watchmen, &c. by whom appointed.
2. Lamplighters, &c. by whom appointed, and how paid.
3. Assessments for, how and by whom raised.
4. Construction of words.
5. When mortgagor deemed owner.
6. Assessments, warrants for, and lists.
7. Rates how to be made.
8. Public notice, when given after receiving warrant.
9. Rates on non-residents, how collected;
10. How sued.
11. Exemptions from taxation.
12. What Corporations liable to taxation, and how.

Section.

13. Collector, by whom appointed.
14. How to recover taxes on default.
15. Fees.
16. Appeal.
17. Deficiency of assessment, how made.
18. Assessors, by whom appointed.
19. To whom assessments to be paid.
20. Police office, where may be erected.
21. Provisions of certain, how to apply.
22. Watchmen, when may arrest night walkers, &c.
23. Prosecutions, how conducted.
24. Repealing clause.
25. Limitation.

Passed 30th March 1848.

WHEREAS the establishment of a Nightly Watch and Day Police, the lighting of the Streets, and the appointment of Scavengers in and for that part of the City of Saint John lying on the eastern side of the Harbour, are of very great importance, and necessary for the preserving of the peace and good order in the said City;—

Be it therefore enacted, &c.—1. Repealed in part by 12 V. c. 68, s. 12.—And shall also appoint such number of scavengers as they shall judge necessary and proper to be employed on the eastern side of the harbour, in the said City, and to direct them in their duties in maintaining cleanliness and good order in the streets of the said City, and what wages shall be given to such scavengers; and the said Mayor, Aldermen, and Commonalty, in Common Council convened, shall and may make all such other orders and regulations for the ordering of the said watchmen, policemen, and scavengers, as the nature of each particular service may require.

2. The Mayor, Aldermen, and Commonalty of the said City, in Common Council convened, shall and may, and they are hereby authorized to make agreements, employ lamplighters, and adopt such other measures as may be necessary for the lighting of that part of the said City on the eastern side of the harbour, and for the raising and levying the money for paying the said watchmen, and policemen, and scavengers, and for lighting that part of the said City as aforesaid, and other charges incident thereto.

3. The Mayor, Aldermen, and Commonalty of the City of Saint John, in Common Council convened, may and they are hereby authorized and empowered once in every year between the first day of April and the first day of May in every year, to determine and direct what sum of money shall be raised and levied in that part of the City lying on the eastern side of the harbour, and the inhabitants thereof, for the purposes of this Act, and to direct, by warrant under their common seal, the Assessors hereinafter named, to make a rate and assessment in the manner hereinafter provided of such sums; and the said sums of money shall be assessed, levied, and raised by an equal rate upon the poll of all male inhabitants of the said part of the said City lying on the eastern side of the harbour, of the age of twenty one years and upwards, not being paupers, and by a rate in just and equal proportion upon the real property situate within the said part of the said City lying on the eastern side of the harbour, and upon the personal property and incomes of the inhabitants thereof, according to the best knowledge and discretion of the Assessors hereinafter named, and subject to the provisions and regulations hereinafter mentioned, and that

one fourth part of the whole of such rate, for any one year, shall be assessed, levied, and raised by a poll rate.

4. In the interpretation of this Act, the terms "real estate" and "real property" shall be construed to include land and any buildings and other things erected on or affixed to land; and the terms "personal estate" and "personal property" shall be construed to include all goods, chattels, moneys, and effects, and all debts due from solvent debtors, whether on account, contract, promissory note, bond, or mortgage, and all public stocks or securities, and all stocks or shares in joint stock Banking or Insurance Corporations or Companies.

5. In cases of mortgaged real estate the mortgagor shall for the purposes of assessment be deemed to be the owner until the mortgagee shall have taken possession, after which the mortgagee shall be deemed to be the owner.

6. It shall be the duty of the Common Clerk of the said City to make out such warrants as aforesaid, and within fourteen days after the order of assessment to transmit such warrants to the Assessors appointed under this Act, under the penalty of ten pounds for every neglect; and it shall be the duty of the Assessors without delay after receiving their warrants of assessment as herein directed, to meet at an appointed time and place to be agreed upon, and they, or the major part of them, shall make out a list, with columns therein; the first or left hand column to contain the names of such persons as are ratable within the eastern part of the City, both resident and non-resident; the second to contain the amount of poll tax to be paid by each inhabitant liable to pay a poll tax under this Act; the third column to contain the amount of real property within the eastern part of the City owned by each inhabitant; the fourth column to contain the amount of the personal property of each inhabitant; the fifth column to contain the value of the real estate of non-residents; the sixth column to contain the annual income of such male inhabitants of the eastern part of the City as may derive income from any place, profession, or employment within this Province, not being from real or personal property; the seventh column to contain twenty per cent. of the before mentioned value of real and personal estates; the eighth column to contain the said sums so reduced to twenty per cent., and the said sums

'City.—Given under our hands the day of in the
'year of our Lord one thousand eight hundred and .'

And further it shall be the duty of the said Assessors to make out a duplicate of all and every of their respective assessments, and to transmit the same, together with the warrant of assessment, within ten days after the assessment is completed, to the Common Clerk of the said City, to be filed of record ; and if any Assessor shall neglect or omit to perform the duty herein required of him, he shall be liable to the penalty of ten pounds.

7. If any person liable to be assessed as an inhabitant of the eastern part of the said City, shall at any time before the Assessors shall have completed their assessment, furnish such Assessors with an account in writing of his real property, situate within the eastern part of the said City, and of his personal property and income, and shall specify in such account the value of such real property, and the amount of his income, and the amount of his personal property, according to the specification of personal property in the fourth Section of this Act, after deducting therefrom the just debts which he may owe to other persons, and shall have made oath before a Justice of the Peace that such account is just and true, and that the value and amount of such real and personal property and income, respectively, do not exceed the sum specified in such account, it shall be the duty of the Assessors to value such real and personal property and income at the sums respectively specified in such account, and no more ; and in like manner, if any person liable to be assessed as a non-resident owner of property lying in the said part of the said City on the eastern side of the harbour, shall furnish the Assessors with a like account of any real property, or the agent of such person so liable to be assessed as a non-resident owner shall furnish the Assessors with a like account of such real property, and shall have made oath that the value thereof does not exceed the sum specified in the account, it shall be the duty of the Assessors to value such real property at the sum specified in such account, and no more.

8. And in order that there may be sufficient opportunity for persons liable to assessment under this Act to furnish the Assessors with statements of their property and income, if they shall think fit ;—The Assessors forthwith, after receiving any

warrant of assessment, shall cause public notice thereof to be given, by posting up notices in at least ten of the most public places on the eastern side of the harbour within the said City, and also by publishing such notice in one or more of the City Newspapers.

9. When the owner of any real property on the eastern side of the harbour assessed as the estate of a non-resident shall reside within the City and County of which such City forms a part, the Collector of taxes for the said City shall proceed to collect and recover the rate or assessment from such owner in the manner hereinafter directed for collecting and recovering rates from any inhabitants of the said City.

10. When the owner of any real property situate on the eastern side of the harbour assessed under this Act as the estate of a non-resident, shall not reside within the City and County of which the said City forms a part, the Collector of taxes may sue for the rate or assessment in an action of debt or assumpsit in any Court having jurisdiction to the amount thereof, in his own name, in like manner as for his own proper debt; and in such action an extract from the assessment, shewing the rate or assessment of the person so sued, certified by the Common Clerk with whom the assessment is filed, shall be conclusive evidence of such rate or assessment; or such Collector may proceed to obtain payment of the rate or assessment of such non-resident in the following manner, that is to say, if such non-resident owner, or some one on his behalf, doth not appear to pay such rate or assessment, the Collector shall as soon as may be, cause public notice to be given of such rate and assessment, by advertisement in one public Newspaper published in the said City, or in the Royal Gazette, published by the Queen's Printer; which advertisement shall be continued for three months, unless some person shall within that time appear and pay to the Collector such rate or assessment, and the charges of advertising the same; and in case no person shall so appear within that time and pay such rate or assessment, it shall and may be lawful for any two Justices of the Peace in the said City, on the application of such Collector, by warrant under their hands and seals, to order the Sheriff of the said City, or City and County, to sell at public auction to the highest bidder, (first giving thirty days

notice of such sale in the manner before mentioned) so much of the said real property as may in his judgment be sufficient to pay such rate or assessment, with all the costs and charges attending the recovery of the same, retaining the overplus (if any) for the use of such owner; and the said Sheriff is hereby empowered and directed to execute a deed to the purchaser thereof, his heirs and assigns, and to deliver seizin and possession of the same to such purchaser.

11. Nothing in this Act contained shall extend or be construed to extend to render liable to taxation the real or personal property of the Corporation of the City of Saint John, or of any religious, literary, or charitable Corporation, Society, or Institution.—[Residue of Section repealed by 14 V. c. 10, s. 3.]

12. The real and personal property of all joint stock Corporations [the words here omitted are repealed by 14 V. c. 10, s. 3] shall be liable to taxation under this Act in like manner as the real and personal property of individuals; and for the purpose of taxation under this Act, the President or any Agent or Manager of any such joint stock Corporation, shall be deemed to be the owner of the real or personal property of such Corporation, and shall be dealt with and may be proceeded against accordingly; and the principal place of carrying on the business and operations of any such Corporations shall be deemed to be the place of inhabitancy of such Corporation; provided always, that such President, Agent, or Manager shall, in regard to the real and personal property of such Corporation, be taxed separately and distinctly from any other tax or assessment to which he may be liable, and may charge against and recover from such Corporation the amount of any tax or assessment which he may have been required to pay on account of such Corporation under the provisions of this Act.

13. The said rate and assessment so to be made shall be collected by a Collector to be by the said Mayor, Aldermen, and Commonalty of the said City from time to time appointed for that purpose; and it shall be the duty of such Collector without delay after receipt of such assessment and precept, to demand the several sums contained in the said list of the several persons therein named, and shall, if required, give a written statement of the several amounts assessed on each person.

14. If any person residing within the City and County of Saint John, assessed within the said City under this Act, shall refuse or neglect to pay the amount of his or her assessment by the space of ten days next after such demand as aforesaid, then and in such case it shall be the duty of the Collector of Taxes to make application to any Justice, which Justice is hereby required, upon complaint made to him under oath by such Collector, that the amount assessed upon any person has not been paid as aforesaid, and that demands had been made as aforesaid, to issue a warrant of distress and execution against the party complained of, in the form following:—

‘ City of Saint John, ss.

‘ To any Constable of the City of Saint John.

‘ You are hereby required to levy of the goods and chattels
 ‘ of A. B. within this City, which sum has been assessed
 ‘ upon and also costs, amounting in the whole to
 ‘ besides costs of levying this execution, and have the
 ‘ money before me at my office on the day of to
 ‘ be rendered to C. D., Collector of Taxes for the City of Saint
 ‘ John; for want of goods and chattels whereon to levy, you
 ‘ will take the body of the said A. B. and deliver to the keeper
 ‘ of the gaol of the said City and County, and the keeper will
 ‘ take the said A. B. and him safely keep for days, unless
 ‘ the said and costs be sooner paid; and how you have
 ‘ executed this precept, make return to me at the day and
 ‘ place aforesaid.—Given under my hand this day of
 ‘ one thousand eight hundred and .

E. F. *Justice of the Peace*

for the City and County of Saint John.

And the constable to whom any execution as aforesaid shall be delivered, shall forthwith proceed to levy the same in the same manner as is provided for the levying executions in an Act made and passed in the fourth year of the Reign of King William the Fourth, intituled *An Act to regulate proceedings before Justices of the Peace in Civil Suits*; provided always, that no person so committed to gaol shall be liable to be detained more than one day for every two shillings of the amount assessed, and costs required by such execution to be levied, or more than fifty days in the whole, if the amount exceed five pounds; and every person so committed shall be entitled to his

discharge at the expiration of such time ; and provided further, that notwithstanding the discharge of the defendant as aforesaid, the judgment upon which such execution issued shall remain good against the property of the defendant, and a new execution may be issued against his property in like manner as if he had not been imprisoned.

15. The fees to be taken by Justices of the Peace shall be as follows :—

For every affidavit of Collector, including the oath, one shilling ;

For every warrant of distress, &c. nine pence ;

And the fees to constables for serving each and every warrant of distress and sale, the same as are now allowed to constables under the Act to regulate proceedings before Justices in civil suits.

16. Provided always, in case any person or persons shall think him, her, or themselves aggrieved by any rate and assessment to be made as aforesaid, it shall and may be lawful for them respectively within the space of five days after the sum so rated and assessed shall be demanded, to appeal to the Common Council of the said City, whose decision shall be final and conclusive, and a memorandum in writing of such appeal, filed in the Common Clerk's office within the said time, shall suspend further proceedings until such decision shall be had.

17. Provided always, in case there should be any deficiency in any one year's assessment so to be made as aforesaid, so that the wages and allowances to watchmen, policemen, lamplighters, and scavengers, and the expense of lighting the eastern side of the said City, and every other incidental charge, cannot be fully satisfied, paid, and discharged that year, such deficiency shall be made up in and paid out of the next year's rate and assessment ; and if there shall happen to be any overplus money collected by such rate or assessment as aforesaid in any one year, such overplus shall be carried on to the credit of the account of the next year's rate and assessment, and shall be applied for such uses and in such manner as the rates and assessments collected are by this Act directed to be laid out and applied, and to no other use or purpose whatsoever.

18. It shall and may be lawful for the said Mayor, Aldermen, and Commonalty of the City of Saint John, to appoint annually three discreet persons, being freemen of the said City, to act as Assessors under this Act, who shall be sworn to the faithful discharge of such duty before the Mayor or Recorder of the said City; and any person so appointed, who shall neglect or refuse to accept the said appointment, or to become qualified, or having become qualified shall refuse to perform his duty, shall for each and every neglect or refusal, forfeit and pay the sum of five pounds, to be recovered on conviction before the Mayor or Recorder of the said City, and levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of the said Mayor or Recorder, and paid into the hands of the Chamberlain of the said City, to be applied for such uses and in such manner as the rates and assessments collected under this law, and for no other use whatsoever; and the said Mayor, Aldermen, and Commonalty of the said City may appoint some other person or persons, being freemen, in the place or places of any person or persons refusing to act or to become qualified as required by this Act, so often as such shall be the case; which person or persons so to be appointed in the place or places of such person or persons so neglecting or refusing, shall be liable to the same and like penalties for neglect or refusal as the said persons first appointed, to be in like manner recovered, paid, and applied, and so on as often as the case may happen.

19. The said Collector hereinbefore mentioned to be appointed, shall from time to time as he shall receive the same, pay the money by him collected, into the hands of the Chamberlain of the said City for the time being, who is hereby directed to keep a separate book of account of the same, to be by him appropriated for that particular purpose, and the receipt of the Chamberlain shall be a sufficient discharge to the said Collector.

20. It shall and may be lawful for the Mayor, Aldermen, and Commonalty of the said City of Saint John, to erect and place upon a part of the space occupied by the building used for a Market in the Market Square in the said City, a Police Office, with proper apartments connected therewith.

21. The provisions contained in the fifth, sixth, seventh,

and thirteenth Sections of an Act made and passed in the seventh year of the Reign of His Majesty William the Fourth, intituled *An Act to provide for the collection of County and Parish Rates*, shall be held to apply to and be in force in respect of any assessment ordered and made by the Mayor, Aldermen, and Commonalty of the City of Saint John, under this Act, and any proceedings taken under such assessment.

22. It shall and may be lawful for any watchman, policeman, special constable, or constable within the said City, to take into custody without warrant, all night walkers, rogues, vagabonds, loose, idle, and disorderly persons, whom he shall find disturbing the public peace, (or whom he shall have just cause to suspect of having committed or being about to commit any felony, misdemeanor, or breach of the peace,) and all persons whom he shall find between the hours of nine o'clock P. M. and five o'clock A. M. during the months of March, April, May, June, July, August, September, and October, or between the hours of seven P. M. and six A. M. during the months of November, December, January, and February, lying or lurking in any highway, yard, or other place, and not giving a satisfactory account of themselves; and also to take into custody without warrant as aforesaid, any person who in the City aforesaid, shall be charged by any other person with committing any aggravated assault, in every case in which such constable or other officer shall have good reason to believe that such assault has been committed, although not within view of such constable or officer, and that by reason of the recent commission of the offence, a warrant could not have been obtained for the apprehension of the offender, in order that such person may be secured until he can be brought before a Magistrate to be dealt with according to law.

23. And for the protection of persons acting in the execution of this Act and the Acts hereafter in this Section recited;— All actions and prosecutions to be commenced against any person for any thing done in pursuance of, or in the execution of the powers and authorities under this Act, or an Act made and passed in the seventh year of the Reign of His late Majesty William the Fourth, intituled *An Act to provide for increasing the number of Constables in the City of Saint John, and for appointing Special Constables in the City and County*

of *Saint John* ; or an Act made and passed in the fifty sixth year of the Reign of George the Third, intituled *An Act to increase the number of Constables in the City of Saint John*, or against any constable or marshal appointed under the provisions of the Charter of the City of Saint John, shall be laid and tried in the County where the fact was committed, and shall be commenced within three calendar months after the fact committed, and not otherwise ; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action ; and in any such action the defendant may plead the general issue, and give this Act, and the said recited Acts, and the special matter in evidence at any trial to be had thereupon ; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant ; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit or discontinue any such action after issue joined, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs as between Attorney and client, and have the like remedy for the same as any defendant hath by law in other cases ; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial shall be had shall certify his approbation of the action, and of the verdict obtained thereupon.

24. An Act made and passed in the fourth year of the Reign of His Majesty William the Fourth, intituled *An Act more effectually to provide for the support of a Nightly Watch in and for lighting the City of Saint John, and for other purposes*, and all Acts continuing the same, be and the same are hereby repealed, except as to any rates, assessments, or taxes made or imposed, or penalties incurred under the said Acts ; all which rates, assessments, taxes, or penalties may be recovered in the same manner as if this Act had not been passed.

25. This Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty three.

11th VICTORIA—CHAPTER 29.

An Act to amend an Act for the amendment of the Charter of the City of Saint John.

Section.

1. Section of certain Act in part repealed.

Section.

2. Salary of Common Clerk, &c.

Passed 30th March 1848.

WHEREAS in and by the eleventh Section of an Act made and passed in the sixth year of Her present Majesty's Reign, intituled *An Act for the amendment of the Charter of the City of Saint John*, it is enacted that the salary of the Common Clerk of the said City shall be settled, adjusted, and determined by the Common Council of the said City, provided that the salary of the Common Clerk so to be settled should not be less than five hundred pounds: And whereas the salary of five hundred pounds is greater than is sufficient to provide for the efficient discharge of the duties of the Common Clerk;—

Be it therefore enacted, &c.—1. So much of the said eleventh Section of the said recited Act as relates to the salary of the said Common Clerk, be and the same is hereby repealed; and in lieu thereof,

2. The salary of the said Common Clerk of the said City of Saint John shall be settled, adjusted, and determined by the Mayor, Aldermen, and Commonalty of the City of Saint John, in Common Council convened; provided always, that the salary of the said Common Clerk so to be settled shall not be less than the sum of three hundred and fifty pounds, which salary shall be in lieu and substitution of all fees by him receivable under and by virtue of his said office of Common Clerk; and further provided, that nothing herein contained shall prevent the said Common Clerk from receiving or retaining to his own use all fees by law receivable by him as Clerk of the Peace and of the Sessions of the Peace, and Clerk of the Inferior Court of Common Pleas of the said City and County.

11th VICTORIA—CHAPTER 30.

An Act to amend an Act to provide for increasing the number of Special Constables in the City of Saint John, and for appointing Special Constables in the City and County of Saint John.

Section.

1. Section repealed.
2. Money to pay constables, by whom ordered to be assessed, &c.
3. How constables paid.

Section.

4. Expenses to be levied in addition to what assessment.
5. Repealed.

Passed 30th March 1848.

WHEREAS certain provisions of an Act made and passed in the seventh year of the Reign of His late Majesty King William the Fourth, intituled *An Act to provide for increasing the number of Constables in the City of Saint John, and for appointing Special Constables in the City and County of Saint John*, are not found sufficient for the purposes of the said Act;—

Be it therefore enacted, &c.—1. The seventh Section of the said recited Act be and the same is hereby repealed.

2. In all cases where it may be found necessary under the provisions of the said Act to appoint and swear in special constables, it shall and may be lawful for the Justices of the Peace for the City and County of Saint John, at any General Sessions of the Peace, or at any Special Sessions to be for that purpose holden, to borrow such sum of money as they in their discretion may deem meet for the purpose of paying and providing for the services and expenses of such special constables, and to order the same, if they shall think fit, to be repaid out of the contingent funds of the said City and County; or to order an assessment to be made upon the said City of Saint John, or upon any Parish or Parishes in the said City and County, for payment thereof; and to order and direct what portion of such assessment shall be raised and levied by a poll tax upon the inhabitants of such City or Parish, for the purpose of paying such sum of money so borrowed for the purposes aforesaid; or in case they shall not see fit, or be unable to borrow money for the purposes aforesaid, to order an assessment to be made for the purpose of meeting the amount of expenses incurred under any of the provisions of the said Act; provided always, that not more than one fourth part of any such assessment shall be levied by such poll tax.

3. The said Justices in General Sessions, or any Special Sessions for that purpose to be holden, shall have power and are hereby authorized to make an allowance to all or any of the constables or other peace officers of the City of Saint John, or City and County of Saint John, for any services by them

performed in the execution of their offices, or in attending any of the Courts held in the City of Saint John, or in apprehending, or searching for, and endeavouring to apprehend any felon or person charged with or suspected of any felony, and to offer and pay any rewards for the apprehension of any felon or person accused or suspected of felony, as the said Justices in their discretion shall think needful in promoting the due and proper execution of the laws and the duties of such officers, and shall order all such sums of money to be paid out of the contingent funds of the said City and County.

4. In case the contingent funds for the year shall not be sufficient, in the opinion of the said Justices in Sessions, to bear any expenses incurred or payable under this Act or the Act of which this is an amendment, it shall and may be lawful for the said Justices to order what amount shall be levied and rated in addition to the annual rate or assessment for the contingent expenses for the said City and County, and to direct that the said additional sum shall be levied and assessed with the said annual contingent assessment, which said additional sum shall be paid into the hands of the County Treasurer for the purposes of this Act when so levied and assessed.

5. Repealed by 13 V. c. 30.

11th VICTORIA—CHAPTER 31.

An Act further to continue an Act intituled *An Act to extend the jurisdiction of the Corporation of the City of Saint John, for the regulation of the rates of Pilotage, beyond the limits now prescribed by Charter.*

Section 1.—Continuation of Act.

Passed 30th March 1848.

Be it enacted, &c.—1. An Act made and passed in the third year of the Reign of Her present Majesty, intituled *An Act to extend the jurisdiction of the Corporation of the City of Saint John, for the regulation of the rates of Pilotage, beyond the limits now prescribed by Charter*, be and the same is hereby further continued and declared to be in full force until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty.

11th VICTORIA—CHAPTER 32.

An Act relating to the Public Burial Ground in the City of Saint John.

Section.

1. Public burial ground, interments in, prohibited.
2. Penalty for interring therein; removal of corpse when ordered.
3. City Corporation when not to remove corpse, &c.

Section.

4. Conveyances of burial ground void, not liable to seizure for debt, &c.
5. Commissioners of Alms House where to bury paupers.

Passed 30th March 1848.

WHEREAS from the great increase in the extent and population of the City of Saint John, it is apprehended that the interment of the dead in the public burial ground adjacent to King's Square in the said City, if continued, may be detrimental to the health of the inhabitants of the said City ;—

Be it therefore enacted, &c.—1. Upon and after the first day of May next it shall not be lawful to inter, bury, or place the corpse of any deceased person within the public burial ground in the City of Saint John, as now enclosed, and bounded on the north by the rear of the lots fronting on Union Street, on the south by Great George Street, on the east by Carmarthen Street, and on the west by Sidney Street; provided that nothing herein contained shall prevent the placing or exposing the corpse of any person unknown in the dead house now erected in the said burial ground, for the purpose of recognition before interment, for the space of one year.

2. If any person or persons shall after the first day of May next inter, bury, or place, or shall aid or assist in interring, burying, or placing any corpse within the said burial ground, he, she, or they so offending, shall forfeit and pay the sum of one hundred pounds, to be recovered by an action of debt in any of Her Majesty's Courts of Record in this Province, by and in the name of the County Treasurer of the City and County of Saint John; to be paid and applied to the Commissioners of the Alms House for the City and County of Saint John, for the use of the poor thereof; and it shall and may be lawful for any of the Justices of the Peace of the said City and County, and they are hereby required to order and direct the disinterring and removal of any corpse interred, buried, or placed in the said burial ground contrary to the provisions of this Act, and to cause the same to be decently interred in any other burial ground, at the discretion of such Magistrate.

3. And whereas under and by virtue of the Charter of the City of Saint John, the legal estate in the said burial ground became vested in the Mayor, Aldermen, and Commonalty of the City of Saint John, and the same has been since held by them as and for a public burial ground, and for no other use or purpose: And whereas certain rights have been acquired by the representatives and relatives of deceased persons there interred, and are now existing to certain portions of the said burial ground, and to certain enclosures, erections, monuments, and tombstones now there standing and being;—It shall not be lawful for the said Mayor, Aldermen, and Commonalty of the said City, or any person by their direction or authority, to disturb any grave or remove any corpse in the said ground lawfully interred, unless at the request and desire of the legal representative of the deceased person so to be removed, or to pull down, displace, or remove, or to prevent the repair or removal of any enclosure, paling, erection, monument, or tombstone heretofore placed or standing in the said burial ground.

4. All and every grant and conveyance whatsoever heretofore made or hereafter to be made by the said Mayor, Aldermen, and Commonalty of the City of Saint John, of the said burial ground, or any part or portion thereof, is and shall be ipso facto void; and the same and every part and portion thereof shall not be liable to be levied upon or taken in execution for the debts of the said Mayor, Aldermen, and Commonalty of the City of Saint John, or any person whatever, but shall be altogether free from seizure at the suit of any person or persons whatsoever, and the area of the same shall be and for ever remain open and unoccupied and unappropriated to any use or uses, public or private; and all buildings, houses, and erections of any nature or kind soever that shall be erected, placed, or found in the said burial ground contrary hereto, shall be held, taken, decreed, and adjudged to be public and common nuisances, and be treated as such accordingly; provided that nothing herein contained shall prevent the maintaining and keeping by the said Mayor, Aldermen, and Commonalty, of a good and sufficient enclosure round the said ground, with proper gates and conveniences to admit the passage into the said ground of all persons under such regulations

as to the said Mayor, Aldermen, and Commonalty may seem meet, or to prevent the ornamenting, planting, or otherwise improving the said burial ground.

5. On application to be made to the Commissioners of the Alms House for the City and County of Saint John, for the interment of the corpse of any pauper, it shall be the duty of the said Commissioners, and they are hereby required to provide a proper conveyance and other things needful for the decent interment of such corpse in the ground attached to the Alms House of the said City and County, or elsewhere in some proper and convenient place, at their discretion, the expense of any such interment to be borne and defrayed in like manner as any charge for the maintenance of the poor of the said City and County.

11th VICTORIA—CHAPTER 33.

An Act to authorize the Justices of the Peace for the City and County of Saint John to raise a sum of money for making certain alterations in and additions to the Common Gaol of the said City and County.

Section.

1. Water closets, how constructed for gaol.
2. What sums may be borrowed for.
3. Certificates for, to bear interest.
4. When assessments to pay principal and interest may be made.

Section.

5. Expenses when also levied.
6. Assessments, how applied.
7. Remuneration to Treasurer.

Passed 30th March 1848.

WHEREAS in order to the preservation of the health and comfort of the inmates of the common gaol of the City and County of Saint John, it is found necessary to make certain additions to and alterations in the said building;—

Be it therefore enacted, &c.—1. The said Justices of the Peace for the said City and County of Saint John, at any General Sessions of the Peace hereafter to be holden, or the major part of them so assembled, be and are hereby authorized and empowered by themselves, or one or more Committees of management for that purpose to be appointed, to contract and agree with able and sufficient workmen for erecting, placing, and finishing in or connected with the said common gaol, suitable and necessary privies or water closets for the comfort and accommodation of the inmates of the said common gaol.

2. The said Justices, at any General Sessions of the Peace

for the said City and County, be and are hereby authorized to borrow such sums as may be necessary for the purpose aforesaid, not exceeding the sum of five hundred pounds, the same to be taken in loans of not less than fifty pounds, and that Certificates or Notes in the following form, or to that effect, shall be prepared and delivered to the persons from whom such loans may be obtained, to wit:—

Number —

City and County of Saint John, ss.—These are to certify, that [*here insert residence and addition of lender*] hath lent and advanced to the Justices of the Peace for the said City and County, the sum of pounds currency, which sum is payable to him or his order, together with interest at and after the rate of per centum per annum, pursuant to an Act of Assembly made and passed in the eleventh year of the Reign of Her Majesty Queen Victoria, intituled *An Act to authorize the Justices of the Peace in and for the City and County of Saint John to raise a further sum of money for making certain alterations and additions to the Common Gaol of the said City and County*.—Dated the day of in the year of our Lord one thousand eight hundred and forty

By order of the Sessions.

A. B. *Presiding Justice.*

Which same certificates or notes shall be signed by the Justice presiding at the said Sessions, and countersigned by the Clerk, and shall be respectively numbered according to the time in which the same may be made and issued, and a memorandum thereof shall be duly entered by the Clerk in the Minutes.

3. The said certificates and notes shall be negotiable in the same manner as promissory notes, and the holders thereof shall be entitled to receive interest for the same annually, to be paid by the Treasurer of the said County out of the assessments hereinafter mentioned.

4. It shall and may be lawful for the said Justices of the Peace of the said City and County, and they are hereby authorized and required to make a rate and assessment each and every year, of such a sum of money, besides the charge for assessing and collecting, as will discharge the interest of the loan contracted by virtue of this Act, until the total amount of the loan, and all interest thereon heretofore obtained by virtue of

the Act of Assembly made and passed in the first year of the Reign of Her Majesty Queen Victoria, intituled *An Act to authorize the Justices of the Peace in and for the City and County of Saint John to establish a House of Correction for the said City and County, and to extend the provisions of two Acts of Assembly to the same*, and until the total amount of the loan, and all interest thereon heretofore obtained by virtue of the Act of Assembly made and passed in the third year of the Reign of Her present Majesty, intituled *An Act to authorize the Justices of the Peace in and for the City and County of Saint John to erect a building in the said City for a Common Gaol, and to raise a sum of money for erecting and completing the same*, are severally paid off and discharged; and from and after the time of payment and discharge of the total amount of said several loans so contracted by virtue of the said several Acts, it shall and may be lawful for the said Justices, and they are hereby authorized and required to make a rate and assessment of the said sum, not exceeding five hundred pounds, besides the charge for assessing and collecting, for the purpose of discharging the principal and interest then due upon the loan contracted by virtue of this Act, for the purpose of paying off the same; which said sums of money are to be assessed, levied, collected, and paid in such proportion and in the same manner as other County rates for public charges are or may be assessed, levied, collected, and paid under and by virtue of any Act or Acts made or to be made for assessing, levying, and collecting rates for public charges.

5. The interest upon the money to be raised by virtue of this Act, with the charge for assessing and collecting the same, shall be assessed and levied under one rate, with the interest of the loans heretofore contracted under the said Act, intituled *An Act to authorize the Justices of the Peace in and for the City and County of Saint John to erect a building in the said City for a Common Gaol, and to raise a sum of money for erecting and completing the same*, in the same manner as if the money raised by virtue of this Act had been raised, and were a part of the sum of money borrowed under and by virtue of the said last recited Act.

6. The moneys so to be assessed as aforesaid shall be applied, after discharging all interest due on the loans contracted by

virtue of this Act, to the payment of the principal sums mentioned in such certificates or notes; and the Treasurer of the said City and County shall give one month's public notice by advertisement in one of the Newspapers published in the said City, for calling in the said notes, when he is prepared to pay off the same, and from and after the time specified in such notice the interest on said certificates or notes shall cease.

7. The County Treasurer shall be entitled to have and retain the sum of one pound per centum on every hundred pounds, for his services in receiving and paying the said moneys so to be assessed under the provisions of this Act, and no more.

12th VICTORIA—CHAPTER 1.

An Act in addition to and in amendment of an Act intituled *An Act for the more effectual prevention of Fires in the City of Saint John*.

Section.

1. Within what limits stone buildings, &c. to be erected.

Section.

2. To what buildings certain Sections to extend.

Passed 8th March 1849.

WHEREAS the Act defining and establishing the limits in the City of Saint John within which all buildings to be erected or set up are required to be constructed of stone or brick, (with certain exceptions,) and enacting other regulations as to their construction, has proved of great and essential benefit to such parts of the said City, and it is deemed expedient to extend the said limits;—

Be it therefore enacted, &c.—1. The line and limits within which no buildings other than stone or brick, or wooden buildings of a certain height, as mentioned in the first Section of an Act made and passed in the third year of the Reign of Her present Majesty Queen Victoria, intituled *An Act for the more effectual prevention of Fires in the City of Saint John*, shall and are hereby made to extend to all that part of the City of Saint John on the eastern side of the harbour which is contained within the following described bounds, that is to say,—Beginning on the north side line of Union Street, where it is intersected by the prolongation of the now established line along Germain Street; thence along the said north side line of Union

Street to Charlotte Street; thence on the west side line of Charlotte Street to the north side line of Duke Street; and thence on the said line of Duke Street until it strikes the line already established along Prince William Street; and thence on the said established line, according to the said recited Act, to the place of beginning.

2. The fifth, eighth, ninth, and tenth Sections of the said Act, and all and every of the provisions thereof, shall be applicable and are hereby made to extend to all buildings now or hereafter to be built, erected, raised, enlarged, removed, or roofed contrary to this Act and the said several Sections of the said recited Act, within the said additional and extended line and limits aforesaid, as fully and absolutely as if the said recited Act had first included the said line and limits now hereby established.

12th VICTORIA—CHAPTER 2.

An Act to authorize the Mayor, Aldermen, and Commonalty of the City of Saint John to purchase or lease a lot of Land for the purpose of enlarging the Country Market fronting on Charlotte Street in the said City.

Section.

Section.

1. What Corporation may purchase, &c. for Market place.

2. Land for Market not liable for debts of Corporation. Exception.

Passed 8th March 1849.

WHEREAS from the increase in the extent of the City of Saint John, it has become necessary to make provision for enlarging the Market fronting on Charlotte Street in the said City: And whereas under the provisions of an Act made and passed in the ninth year of Her present Majesty, intituled *An Act relating to the Public Debt of the City of Saint John*, the Mayor, Aldermen, and Commonalty of the City of Saint John cannot legally contract and agree for the leasing or purchasing and payment of the land necessary to enlarge such Market, unless thereunto authorized by law;—

Be it therefore enacted, &c.—1. Notwithstanding any thing in the said recited Act contained, it shall and may be lawful for the Mayor, Aldermen, and Commonalty of the City of Saint John to contract and agree for the leasing or purchasing and payment of a lot or parcel of ground for the enlargement of the

said Market, fronting on Charlotte Street in the said City, and to make, execute, seal, and deliver all such deeds, bonds, mortgages, leases, or other assurances as may be necessary for the payment or securing the payment of the rent or purchase money of such lot of land so to be leased or purchased for the purpose aforesaid; provided always, that no such deeds, bonds, mortgages, assurances, leases, contracts, or agreements to be made and executed by the Mayor, Aldermen, and Commonalty of the City of Saint John, under the provisions of this Act, or any judgment to be obtained thereon, shall affect or in anywise be binding or operate upon any real estate of the said Mayor, Aldermen, and Commonalty of the said City, other than the land leased or purchased under and by virtue of this Act.

2. The land leased or purchased by the said Corporation under the provisions of this Act, and every part thereof, with the improvements and appurtenances, shall not in law or equity be liable to be levied upon or taken in execution for the debts of the Mayor, Aldermen, and Commonalty of the said City of Saint John, or any other person whatever; provided always, that nothing in this Section contained shall be construed or held to exempt the said land so to be leased or purchased, or any improvements thereon, from being levied upon or taken in execution for any debt incurred by the said Corporation for the rent or in payment of the said land, under the provisions of this Act.

12th VICTORIA—CHAPTER 7.

An Act to amend an Act intituled *An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John.*

Section.

1. Assessments, how made.

Section.

2. Certain offenders, how tried.

Passed 8th March 1849.

WHEREAS doubts have arisen whether under the provisions of an Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John, the assessment thereby directed to be made shall be levied on the inhabitants of the Parish of Portland generally, or on the inhabitants of the Portland Police District;—

Be it therefore declared and enacted, &c.—1. The rate or

assessment of the amount required for the purposes of the said Act shall be made as provided by the forty fifth Section of the said recited Act, and not upon the inhabitants of the Portland Police District as mentioned in the forty fourth Section of the said Act.

2. Any offender within the Parish of Portland against the provisions of an Act made and passed in the third year of the Reign of Queen Victoria, intituled *An Act to repeal all the Acts regulating Tavern Keepers and Retailers, and to make other provision in lieu thereof*, who by virtue thereof might be tried and convicted before any Justice of the Peace for the City and County of Saint John, may be proceeded against, tried, and convicted before the Portland Police Magistrate in the manner provided in and by the said last recited Act; and any fines and penalties imposed and levied in the mode pointed out by the said Act shall, upon the recovery thereof, be paid over by the said Police Magistrate, and applied as provided by the thirty second Section of an Act made and passed in the eleventh year of the Reign of Queen Victoria, intituled *An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John*.

12th VICTORIA—CHAPTER 52.

An Act in addition to and in amendment of the Act relating to the Navigation of the River and Harbour of Saint John.

Section.

1. Former Act to what extended.

Section.

2. Witnesses attendance, how enforced.

Passed 14th April 1849.

Be it enacted, &c.—1. From and after the passing of this Act, all and every of the provisions of an Act made and passed in the seventh year of the Reign of Her present Majesty, intituled *An Act for more effectually securing the Navigation of the River and Harbour of Saint John, in the City and County of Saint John*, shall and are hereby made to extend to saw dust as well as to slabs, edgings, rinds, bark, or chips, in the same manner and as fully and effectually as if the said saw dust had been included with the said slabs, edgings, rinds, bark, or chips in the said recited Act at the time of the passing of the same.

2. Whenever any proceedings may be commenced before any Justice of the Peace under this Act or the said recited Act, it shall and may be lawful for such Justice, by summons, to require the attendance of any witness or witnesses that may by him be considered necessary to give evidence or to produce any document before him in such proceedings; and if any witness who shall be summoned to give evidence or produce any documents as aforesaid, shall not appear at the time and place specified in such summons, or if the said Justice shall deem it to be necessary, before issuing any summons, it shall and may be lawful for such Justice to issue his warrant, under his hand and seal, to any constable of the City and County of Saint John, requiring such constable to bring the said witness before him at the time and place therein specified, in order to compel the attendance of the said witness to give evidence or produce the documents aforesaid, touching any breach of the provisions of this Act or of the said recited Act.

12th VICTORIA—CHAPTER 68.

An Act in further amendment of the Charter of the City of Saint John.

Section.	Section.
1. What part of Charter, &c. repealed.	16. Police Magistrate, at what elections not to vote, &c.
2, 3, 4, & 5. Repealed.	17. None but Police Magistrate to receive fees.
6. Police, where and by whom established.	18. Salaries, &c. to be paid, by what order, &c.
7. Magistrate, before whom sworn.	19. Common Clerk need not be Clerk of the Peace, &c.
8. His salary.	20. Colored persons may be made free.
9. His Clerk, and salary.	21, 22, & 23. Repealed.
10. Police force, what number of, authority, &c.	24. Registry of voters, how established.
11. What Sections of Portland Police Act extend to this Act.	25. Repealed.
12. Police force, how established, &c.	26. False swearing, what deemed.
13. By whom assessment to be made, and when.	27. General Sessions, when may be adjourned.
14. When Justice to Act for Police Magistrate.	28. City Court, when to be holden.
15. Moneys received at Police Office, to whom and for what purpose paid.	29 & 30. Repealed.
	31. Charter to be good.
	32. Suspending clause.

Passed 14th April 1849.

WHEREAS it is expedient that the Charter heretofore granted to the Mayor, Aldermen, and Commonalty of the City of Saint John, by Letters Patent under the Great Seal, bearing date the eighteenth day of May in the year of our Lord one thousand seven hundred and eighty five, should be altered and amended in the manner hereinafter mentioned;—

Be it therefore enacted, &c.—1. So much of the said Charter of the City of Saint John, and so much of all Acts of the General Assembly relating thereto, or altering and amending the same, and now in force, and so much of all bye laws or ordinances of the City of Saint John as are inconsistent with or contrary to the provisions of this Act, shall be and the same are hereby repealed and annulled, save and except so far how-ever as relates to any appointment, election, bye law, ordinance, rule, regulation, rate, tax, act, deed, matter, action, suit, proceeding, or thing heretofore had, done, passed, and made, or now pending, in progress, and undetermined, under and by virtue of the same, or either of them, which shall remain in full force, and be respectively observed and fulfilled, proceeded with and determined, unless as is hereinafter otherwise directed, in the same manner and to the same effect and purpose as if the said parts of the said Charter and Acts had not been repealed.

2, 3, 4, & 5. Repealed by 16 V. c. 37, s. 1.

6. It shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to establish a Police office in and for that part of the City of Saint John lying on the eastern side of the harbour, and from time to time to appoint thereto a fit person to be, during Her Majesty's pleasure, Police Magistrate for the said portion of the said City, and *ex officio* a Justice of the Peace for the City and County of Saint John, and who shall also be invested with all such other duties and powers as shall be hereafter specified.

7. Every person so appointed as Police Magistrate by virtue of this Act shall, before he shall begin to execute the duties of his office, take and subscribe the following oath before one of the Judges of the Supreme Court in this Province :—

‘I, A. B. do swear that I will faithfully, impartially, and honestly, according to the best of my skill and knowledge, execute all the powers and duties of a Police Magistrate and Justice of the Peace, under and by virtue of an Act made and passed in the twelfth year of the Reign of Queen Victoria, intituled *An Act in further amendment of the Charter of the City of Saint John* ;’

and also the oath of a Justice of the Peace in and for the City and County of Saint John, before said Judge.

8. An annual salary of a sum not exceeding three hundred pounds shall be paid to such Police Magistrate in manner and out of the funds hereinafter provided.

9. A Clerk to the said Police office shall be appointed by the Police Magistrate of the said City, whose salary shall not exceed one hundred and fifty pounds.

10. A sufficient number of fit and able men, not exceeding thirty, shall be appointed by the said Police Magistrate, as a Police force for the said eastern part of the said City, who shall be severally sworn in by such Police Magistrate to act as day and night policemen, watchmen, and constables, for the preserving the peace, and the preventing of all felonies, and apprehending offenders against the peace; and the men so sworn shall not only within the whole of the City of Saint John, but also generally within the City and County of Saint John, have all such powers, authorities, privileges, advantages, and exemptions, and be liable to all such duties and responsibilities, as any constable duly appointed now has or hereafter may have, or is or may be liable to within his constablewick, by virtue of the common law, or any Statute or Act of Assembly made or to be made, and shall obey all such lawful commands as they or any of them may from time to time receive from the said Police Magistrate or any other Magistrate sitting at the Police office of the said City, for conducting themselves in the execution of their office; and all the powers and provisions contained in the twenty second and twenty third Sections of an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act more effectually to provide for the support of a Nightly Watch and Day Police in that part of the City of Saint John lying on the eastern side of the Harbour of Saint John, and for lighting the same, as also for other purposes*, shall be vested in and apply to all and every of the Police force to be appointed under this Act, within the whole of the City of Saint John on both sides of the harbour.

11. The fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty first, twenty second, twenty third, twenty fourth, twenty fifth, twenty sixth, twenty

seventh, twenty eighth, twenty ninth, thirtieth, thirty first, thirty fourth, thirty fifth, (together with Schedules A and B therein referred to, *mutatis mutandis*,) thirty sixth, thirty seventh, thirty eighth, thirty ninth, fortieth, forty first, and forty seventh Sections of an Act made and passed in the eleventh year of the Reign of Queen Victoria, intituled *An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John*, shall extend and apply to, and be in force in all that part of the City of Saint John lying on the eastern side of the harbour, to all intents and purposes; and all and every the offences, penalties, forfeitures, powers, authorities, methods, remedies, rules, regulations, advantages, directions, clauses, matters, and things contained in the said several Sections respectively, shall be created, incurred, and be observed, practised, and put in execution in that part of the City of Saint John lying on the eastern side of the harbour, as fully and effectually to all intents and purposes as if the said offences, penalties, forfeitures, powers, authorities, methods, remedies, rules, regulations, advantages, directions, clauses, matters, and things were severally, particularly, and respectively repeated and re-enacted, and were declared in the body of this Act, and shall severally be applied, construed, deemed, and taken to belong to this Act in like manner as if the same had been enacted herein; provided always, that the recognizance mentioned in the thirty first Section, and the bond mentioned in the thirty seventh Section of the said Act, shall be taken in the name of the Justices of the Peace for the City and County of Saint John, in lieu of the Commissioners therein mentioned; and in case of forfeiture of such bond, the said Justices of the Peace of the City and County of Saint John shall, by that name, have power to sue for and recover the amount of the same, to be by them paid to the Chamberlain of the City for the purposes of this Act; and in addition to the power given to the said Police Magistrate by the said forty seventh Section, it shall and may be lawful for the said Police Magistrate to collect and enforce payment of any rates or taxes whatever, recoverable in the said City by virtue of any Act or Acts of Assembly now in force or hereafter to be in force in the said City, and to pay all fees received by him in collecting the same into the hands

of the Chamberlain for the purposes of this Act ; and further provided, that the hours of attendance at the said Police office in the said City shall be from ten A. M. to five P. M. in lieu of the hours mentioned in the said twenty first Section, and that no holidays shall be observed at the said office except Sunday, Christmas Day, and Good Friday.

12. The first Section of an Act made and passed in the eleventh year of the Reign of Queen Victoria, intituled *An Act more effectually to provide for the support of a Nightly Watch and Day Police in that part of the City of Saint John lying on the eastern side of the Harbour of Saint John, and for lighting the same, as also for other purposes*, as far as the same relates to the ordering and appointment of watchmen and policemen, and to regulate the same, be and the same is hereby repealed. A good and sufficient Police office, with suitable apartments, shall be provided in the City of Saint John by the Corporation of the said City, and the rent and other contingent expenses attending the same shall be borne and paid out of the assessment for the watch and police under the provisions of the last recited Act.

13. In case the Mayor, Aldermen, and Commonalty of the City of Saint John should in any year hereafter neglect or refuse to proceed under the third Section of the last recited Act, to determine and direct what sums of money shall be raised for the purposes of the said Act, and to issue the warrant therein mentioned within the time therein mentioned, it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to appoint three Commissioners, and it shall be the duty of the said Commissioners to determine and direct what sums of money shall be necessary to be raised for the purposes of the Police establishment under this Act, and to issue their warrant under their hands and seals, directed to the Assessors in the said Section named, to make the rate and assessment therein mentioned, and to transmit such warrant to the Assessors ; and all proceedings to be had in levying and raising the sum of money determined upon, and the duty of the Assessors and all other persons shall be to all intents and purposes and in every respect the same as if the Mayor, Aldermen, and Commonalty of

the said City had issued such warrant under their Common Seal as required by the said third Section of the said Act.

14. It shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to nominate and appoint from time to time two or more of the Justices of the Peace for the City and County of Saint John, either one of whom may, during the temporary absence or illness of the said Police Magistrate, sit as Police Magistrate at the said Police office, and execute the duties of the said Police Magistrate; and for every day such Justice of the Peace shall so execute the duties of Police Magistrate, he shall receive the sum of one pound, to be paid to him by the Chamberlain of the City of Saint John out of the Police fund, on certificate from the Police Magistrate of the time during which he may have so performed the duties of Police Magistrate.

15. All sums of money received by the said Police Magistrate, or at the said Police office, or by any other Magistrate sitting at the Police office, for fees, fines, penalties, forfeitures, or costs incurred and paid under the provisions of an Act of the Imperial Parliament, or by virtue of the provisions of this Act, or of any other Act of the General Assembly, or of any bye law or ordinance of the Corporation of the City of Saint John, or for any costs whatever by him receivable on any account whatever, shall be paid over by the said Police Magistrate on the first day of every month, not being Sunday, together with an account under oath to be sworn before any Justice of the Peace, (which oath any such Magistrate is hereby authorized to administer) of all such moneys, to the Chamberlain of the City of Saint John, to be by him kept and held subject to the purposes and provisions of this Act; and no person, although liable to payment of money for and towards the maintenance and support of the said Police, shall, by reason thereof, or by reason of the application of any penalty, forfeiture, or costs to the use of the Watch and Police funds, as above mentioned, for the purposes of this Act, be deemed an incompetent witness before any Court, or before the said Police Magistrate, or any Magistrate sitting at such Police office, in any proceeding whatever for any offence whatever; and no Justice of the Peace shall be disabled from acting in the execution of this

Act by reason of his being liable to the payment of any money for the maintenance of the Police established by this Act.

16. No Police Magistrate, Clerk, or Policeman appointed under this Act, or under the provisions of an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John*, shall, during the time that he shall continue in his office respectively, or within six months after he shall have quitted the same, be capable of giving his vote for the election of any member to serve in the General Assembly for any County or City in this Province, or for the election of any member of the Council of the said City; nor shall he by word, message, writing, or in any other manner, endeavour to persuade any elector to give, or to dissuade any elector from giving his vote for the choice of any person to be a member to serve for any such County or City, or to serve in the said Common Council; and every such Magistrate, Clerk, or Policeman offending therein shall forfeit the sum of fifty pounds, one moiety thereof to the informer, and the other moiety thereof to the overseers of the poor of the Parish or City where such offence shall be committed, to be recovered by any person that shall sue for the same in any of Her Majesty's Courts of Record, within the space of one year after such offence committed; provided nevertheless, that nothing in this Act contained shall extend to subject any such Magistrate, Clerk, or Policeman to any penalty for any act done by him at or concerning any of the said elections, in the discharge of his duty.

17. It shall not be lawful for any Alderman or Justice of the Peace, other than the said Police Magistrate, or any other Magistrate duly appointed and sitting at the Police office, to take or receive any fees or costs of any nature or kind for or upon any proceedings, trial, judgment, or conviction of any nature or kind whatever, had before him as a Justice of the Peace or Alderman within the City of Saint John; provided that nothing herein contained shall extend to the fees to be taken by the Justices of the Inferior Court of Common Pleas for the City and County of Saint John, or the fees to be taken and received in the City Court of the said City; and any Justice of

the Peace or Alderman who shall demand, receive, or take any costs or fees contrary to the provisions of this Act, shall be deemed and taken to be guilty of extortion, or may be indicted for the same before any Court of competent jurisdiction.

18. The salary and wages of the said Police Magistrate and Clerk to be determined by the Lieutenant Governor or Administrator of the Government for the time being, and Policemen, and all other expenses attending the said Police, shall be paid monthly by orders of the Common Council of the said City upon the Chamberlain, out of moneys received by him under the provisions of this Act and of the Act passed in the eleventh year of Her Majesty's Reign, intituled *An Act more effectually to provide for the support of a Nightly Watch and Day Police in that part of the City of Saint John lying on the eastern side of the Harbour, and for lighting the same, as also for other purposes.*

19. So much of the Charter of the said City as provides and ordains that the Common Clerk of the said City of Saint John shall be Clerk of the Peace and of the Sessions of the Peace, and Clerk of the Inferior Court of Common Pleas, and keeper of the memorandums, rolls, records, muniments, and other writings of the said City and County of Saint John, be and the same is hereby repealed and annulled; provided always, that the Common Clerk of the said City of Saint John shall be keeper of the memorandums, rolls, records, muniments, and other writings of the said City; and the Common Council of the said City shall on the first Tuesday in May in each and every year appoint the high constable of the said City for the year ensuing; and in the case of the death, resignation, or removal from the City of such high constable, another to appoint in his stead, and so as often as such cases shall happen.

20. Notwithstanding any thing in the said Charter to the contrary contained, any black person or person of colour may become a free citizen of, and be admitted to the freedom of the said City.

21, 22, & 23. Repealed by 16 V. c. 37, s. 1.

24. It shall and may be lawful for the Common Council of the said City, by ordinance, to establish a Registry of voters, and to make all such rules and regulations as to them may seem necessary, to prevent persons not duly qualified from

voting at elections for Charter Officers of the said City ; and shall and may by ordinance make such further regulations for enforcing the laws in force regulating the qualification of candidates for the offices of Aldermen and Councillors, and for conducting the said elections, and paying the expenses of the same, and under such penalties not exceeding five pounds for any one breach thereof, as to the said Common Council may from time to time appear to be necessary for such purposes.

25. Repealed by 16 V. c. 37, s. 1.

26. If any person shall knowingly swear falsely as to any of the particulars of his alleged qualification, or if he shall knowingly swear falsely in taking any or either of the oaths prescribed by this Act, he shall be deemed guilty of wilful and corrupt perjury, and suffer the pains and penalties provided by law in cases of wilful and corrupt perjury.

27. The General Sessions of the Peace for the City and County of Saint John may be adjourned *de die in diem* for want of a quorum, by the Mayor or Recorder and one of the Justices of the Peace for the said City and County.

28. The City Court of Saint John shall and may, if thought necessary for the dispatch of the business before the Court, be holden on the Thursday in every week instead of the Thursday in every alternate week, as provided by the Charter ; and in all cases when the defendant has been served with a summons at least three days before the time of appearance in the manner pointed out in the third Section of an Act made and passed in the fourth year of the Reign of King William the Fourth, intituled *An Act to regulate proceedings before Justices of the Peace in Civil Suits*, it shall and may be lawful for the Alderman presiding in the City Court, if the defendant do not appear to make a defence, to proceed to assess the debt or damages in the mode and under the regulations provided in the said Section for assessing damages when the defendant does not appear ; and it shall not be necessary to issue an attachment to compel the appearance of the defendant in any case, except it shall be made to appear that he is about to depart the jurisdiction of the City, as provided by the Charter.

29. Repealed by 13 V. c. 1, s. 8.

30. Repealed by 16 V. c. 37, s. 1.

31. The said Charter, and all and every thing therein contained, shall be and remain firm, valid, good, sufficient, and effectual in the law in all respects, save and except so far as the same is hereby altered and amended.

32. This Act shall not come into operation until Her Majesty's Royal approbation shall be first thereunto had and declared.

{ *This Act was specially confirmed, ratified, and finally enacted, by an Order of Her Majesty in Council dated the 29th day of June 1849, and published and declared in the Province the 1st day of August 1849.* }

13th VICTORIA—CHAPTER 1.

An Act relating to the Police Office established in the City of Saint John, and to provide for the relief of Debtors confined in the Gaol of the said City for small sums, and making provision for the levying and collecting of Assessments in the said City, and other purposes.

Section.	Section.
1. Bye laws of City Corporation, by whom enforced.	12. Bail, Commissioners for taking, who may appoint.
2. Fines, &c., to whom, and for what use to be paid.	13. Common assaults, when Police Magistrate may hear. Fines to whom to be paid.
3. Bye laws, copy when evidence.	14. Larcenies, to what amount, and by whom triable.
4. Police Magistrate, &c., duty as to bye laws.	15. Mayor's Office, when Policeman to attend.
5. Indigent Debtors confined by City Court or Justices' process, when and how examined.	16. Assessors, &c., by whom appointed.
6. When and how discharged.	17. Assessors, &c. subject to what rules.
7. Witness on examination, when to attend.	18. Certain Sections of what Act to be in force.
8. What Section repealed.	19. Common Council to make bye laws as to Assessors, &c.
9 & 10. Repealed.	20. Assessors, when may search records.
11. Deputy Clerk of Market, &c., what powers to exercise.	21. Bye laws of City Corporation to remain valid.

Passed 18th March 1850.

Be it enacted &c.—1. It shall and may be lawful for the Police Magistrate or other Magistrate sitting at the Police office established in the City of Saint John by virtue of an Act passed in the twelfth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act in further amendment of the Charter of the City of Saint John*, to hear and determine all offences committed against any bye law or ordinance of the Corporation of the said City; and all fines, penalties, and forfeitures, and sums of money imposed and awarded in and by any of the said bye laws or ordinances now in force, or which may be hereafter ordained and become in force, shall and may be sued for, prosecuted, and recovered, with costs, before the said Police

Magistrate or other Magistrate sitting at the said Police office as aforesaid, and with the like effect as any other fine, penalty, forfeiture, or sum of money may be sued for, prosecuted, and recovered before the said Police Magistrate; and in every case on the adjudication of any pecuniary penalty under any such bye law or ordinance, and non-payment thereof, it shall be lawful for the said Police Magistrate or sitting Magistrate to commit the offender to the common gaol or Provincial Penitentiary for the term directed and provided in and by such bye law or ordinance.

2. All moneys received and collected by the said Police Magistrate in respect of any fines, penalties, and forfeitures incurred and paid under the provisions of any such bye law or ordinance, shall be paid over by the said Police Magistrate, with an account thereof on oath, on the first day of every month, or if such first day of the month be Sunday, then on the next preceding day, into the hands of the Chamberlain of the said City, for such uses and purposes as may be directed in and by such bye laws and ordinances respectively, and at the same time he shall pay all fees and costs received by him in collecting the same, into the hands of the said Chamberlain, to the use of the Watch and Police funds.

3. A copy of any such bye law or ordinance, purporting to be certified under the hand of the Common Clerk of the said City to be a true copy, and to have been confirmed by the Lieutenant Governor in Council, shall be *prima facie* evidence of such bye law or ordinance, and of the due confirmation thereof, in all Courts within this Province.

4. It shall be the duty of the Police Magistrate and policemen of the said City at all times to be vigilant and faithful in endeavouring to discover and detect all offences against the said bye laws and ordinances, and all other offences whatsoever against the law, and to be aiding and assisting the Mayor, Recorder, and Aldermen of the said City in enforcing obedience thereto.

5. Any person confined for debt in the body of the gaol in the City and County of Saint John, whether on *capias*, attachment, or execution, in any suit brought before a Justice of the Peace of the said City and County, or in the City Court of Saint John, and being in indigent circumstances, may make

application for his discharge to the Mayor, or the Recorder, or Police Magistrate, or an Alderman, or the Common Clerk of the said City; and the said Mayor, Recorder, Police Magistrate, Alderman, or Common Clerk, or any one of them, may grant an order, directed to the Sheriff of the said City and County, requiring him to bring up such confined debtor for examination at such time and place as may be thought fit; and the said Sheriff shall duly obey such order, and not be liable for any action for escape or other suit in consequence thereof.

6. In pursuance of such order the said confined debtor may be examined at the time and place specified in such order, on oath before the said Mayor, Recorder, Police Magistrate, Alderman, and Common Clerk, or any two of them, of whom the Police Magistrate, the Recorder, or Common Clerk, shall be one, and if on such examination it shall appear to their satisfaction that the said debtor is in really indigent circumstances, and unable to pay the amount for which he is confined, or to support himself in gaol, the said Mayor, Recorder, Police Magistrate, Alderman, and Common Clerk, or such two of them as aforesaid, may make an order for the immediate discharge of the said debtor from custody in the said suit, and such debtor shall thereupon accordingly be immediately discharged from such custody, without payment of any gaol fees; provided nevertheless, that no such order for discharge shall be made in any suit unless it be made to appear to the satisfaction of the said Mayor, Recorder, Police Magistrate, Alderman, and Common Clerk, or such two of them as aforesaid, that at least twenty four hours notice of the time and place of the said examination had been previously given to the plaintiff or creditor in such suit, or his agent, or left for him at his present or last place of residence.

7. The said Mayor, Recorder, Police Magistrate, Alderman, and Common Clerk, or any one of them, shall have power to summon witnesses to attend and give evidence at such examination, and shall and may have the same power and authority to issue a summons for the appearance of any person to be examined as a witness at such examination, and in case the same be not obeyed, to issue warrants for the apprehension and commitment of such persons, as are given to and vested

in a Justice of the Peace on any information or complaint before him, in and by the sixth Section of an Act passed in the twelfth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to facilitate the performance of duties of Justices of the Peace out of Sessions within this Province with respect to summary convictions and orders.*

8. The twenty ninth Section of an Act passed in the twelfth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act in further amendment of the Charter of the City of Saint John*, be and the same is hereby repealed.

9 & 10. Repealed by 16 V. c. 37, s. 1.

11. The Deputy Clerks of the several Markets in the City of Saint John, and the Master of the Steam Ferry Boat plying in the Harbour of Saint John, in order to the preservation of the peace and good order in the said Markets or Ferry Boats, shall (during the time they hold the said offices or places) be and they are hereby severally vested (in addition to any power given by the Charter of the said City, or any bye law or ordinance of the Corporation of the said City) with all the powers and authorities vested in the policemen of the said City by any law or statute now in force in this Province.

12. And whereas doubts have arisen as to the power of the Mayor's Court of the City of Saint John to appoint Commissioners to take bail under the provisions of an Act made and passed in the sixtieth year of the Reign of His Majesty George the Third, intituled *An Act to authorize and empower the Inferior Court of Common Pleas in the respective Counties of this Province to appoint Commissioners to take Bail in the same Courts*;—The provisions of the said recited Act shall be deemed and taken to authorize and empower the Justices of the Inferior Court of Common Pleas for the City and County of Saint John to appoint Commissioners in the said City, or elsewhere in the said City and County of Saint John, to take bail in the said Court in the manner provided by the said recited Act.

13. It shall and may be lawful for the said Police Magistrate, upon complaint of the party aggrieved, to hear and determine by himself alone, summarily, all prosecutions and complaints of common assaults and batteries, in the same manner, and under the same limitations and provisions, and with the same

power and authority as is directed to be done by two Justices of the Peace in respect of such complaints, in and by the seventy fourth, seventy fifth, and seventy sixth Sections of an Act passed in the twelfth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to consolidate and improve the Laws relative to the administration of Criminal Justice*; and all fines, penalties, fees, and costs received and collected by the said Police Magistrate in respect of such prosecutions, shall be accounted for and paid over by him to the said Chamberlain, in like manner as is directed in the second Section of this Act, for the use of the said Watch and Police funds.

14. When any person shall be charged with any larceny, or any offence of receiving stolen goods, whenever the value of the property stolen shall not exceed forty shillings, it shall be lawful for the said Police Magistrate, together with any two Magistrates for the City and County of Saint John, forthwith to hear and determine such offence, and on conviction either by confession or on the testimony of one or more credible witness or witnesses, the said Magistrates are hereby authorized and empowered to commit the offender to the common gaol or Provincial Penitentiary, in the discretion of the said Magistrates, for any term not exceeding six months.

15. The said Police Magistrate shall direct some one of the policemen to be in constant daily attendance at the Mayor's office during office hours, whose duty it shall be to observe and obey all such orders and directions as may be given him by the Mayor or Recorder in respect of the public business of the City.

16. It shall and may be lawful for the Mayor, Aldermen, and Commonalty of the City of Saint John, in Common Council convened, and they are hereby authorized and empowered to appoint such and so many Assessors and Collectors as they in their discretion shall think fit, for the assessing, levying, and collecting of all such rates, taxes, and assessments, as shall from time to time be required to be levied and assessed upon the said City by virtue of any law for raising or assessing any sum or sums of money upon the said City.

17. The Assessors and Collectors appointed or so to be appointed in and for the said City, shall be and they are hereby

made subject and liable to the same rules, regulations, restrictions, penalties, and forfeitures, as the Assessors and Collectors of any Town or Parish in this Province are made liable to under and by the provisions contained in Section second of an Act made and passed during the present Session of the Legislature, intituled *An Act to consolidate and amend the laws relating to the local government of Counties, Towns, and Parishes in this Province.*

18. The fifth, sixth, seventh, and thirteenth Sections of an Act made and passed in the seventh year of the Reign of His Majesty William the Fourth, intituled *An Act to provide for the collection of County and Parish Rates*, be and the same are hereby continued and declared to be in force, and incorporated with as part of an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act more effectually to provide for the support of a Nightly Watch and Day Police in that part of the City of Saint John lying on the eastern side of the Harbour of Saint John, and for lighting the same, as also for other purposes*, during the continuance of the said last recited Act.

19. It shall be lawful for the Common Council of the said City, by any bye laws or ordinances for such purpose to be passed, to make rules and regulations for the government of the said Assessors and Collectors, and thereby to order and direct the mode in which they shall execute and perform the various duties required of them by law, and to impose such fines and penalties for the better enforcing thereof as they may deem reasonable, not to exceed in any case the sum of ten pounds; provided that no such bye laws or ordinances shall be of any effect which are repugnant to the provisions of any Act of Assembly relating to the subject matter thereof.

20. The said Assessors shall for the purpose of enabling them to obtain information for making such assessments, have liberty to search at the Record Office of the City and County of Saint John, to ascertain the amount of property owned by any person liable to assessment, and the Registrar shall receive for all searches (from such Assessors) connected with any one individual's property, the sum of one shilling and no more, which sum so paid by the said Assessors shall be allowed and repaid them in addition to their commission; provided

always, that such Assessors shall only be permitted to search under the authority of this Act between the time of their appointment and the making of the assessment in each and every year.

21. A bye law or ordinance of the Corporation of the City of Saint John, made and passed on the twenty fifth day of February last, intituled *A Law to regulate the election of Aldermen, Councillors, and Constables in the City of Saint John*, be and is hereby declared to be good, valid, and effectual in the law, and the same be and is to all intents and purposes hereby ratified and confirmed.

13th VICTORIA—CHAPTER 5.

An Act for the better extinguishing of Fires which may happen in the City of Saint John.

Section.

1. Certain Acts repealed.
2. Fire Department, by whom organized.
3. How divided.
4. Members of Fire department, from what and how exempt.
5. When entitled to retire.
6. Bye laws for regulation of, by whom made.

Section.

7. Members, their powers and duties.
8. What *prima facie* evidence of stealing.
9. When Sheriff, &c. to resort to fires.
10. Bye laws to compel inhabitants to assist at fires, when and by whom made.
11. Repeal of Section.
12. Limitation.

Passed 11th April 1850.

Be it enacted, &c.—1. An Act made and passed in the fifty second year of the Reign of His Majesty King George the Third, intituled *An Act authorizing the Mayor, Aldermen, and Commonalty of the City of Saint John to make regulations for the more effectual prevention of Fires within the said City*; and also an Act made and passed in the fifty ninth year of the same Reign, intituled *An Act in addition to and amendment of an Act intituled "An Act to revive and make perpetual an Act authorizing the Mayor, Aldermen, and Commonalty of the City of Saint John to make regulations for the more effectual prevention of Fires within the said City;"* and also an Act passed in the third year of Her present Majesty Queen Victoria, intituled *An Act for the better extinguishing of Fires which may happen in the City of Saint John, and to continue a certain Act relating to the same matter therein mentioned*; and also an Act passed in the eighth year of the same Reign, intituled *An Act in addition to an Act intituled "An Act for the better extinguishing of Fires which may happen in the City*

of Saint John, and to continue a certain Act relating to the same matter therein mentioned ;” be and the same are hereby repealed, except so far as the said Acts or any of them may repeal the whole or any part of any other Act not hereby repealed.

2. It shall and may be lawful .o and for the Mayor, Aldermen, and Commonalty of the City of Saint John, in Common Council convened, by any bye laws or ordinances, orders or otherwise, to establish a fire department in and for the said City, which said fire department shall consist of one chief engineer, and so many other engineers, firemen, fire policemen, and firewards as shall and may from time to time be elected, nominated, and appointed by the said Common Council ; provided that the number of engineers and firemen so to be elected, nominated, and appointed, shall not exceed sixty for each and every fire engine belonging to the said City.

3. The said Common Council shall and may, and they are hereby authorized and empowered to establish and organize the said fire department into such and so many companies or divisions, and in such manner as they shall think fit, and from time to time to remove and displace all or any of the members of the said fire department when and as often as they shall think fit, and others in the room and places of such as they shall remove or displace, to elect, nominate, and appoint.

4. Each and every person to be elected, nominated, or appointed a chief engineer, an engineer, and a fireman, from time to time during his continuance in such office, and no longer, shall be freed, exempted, and privileged from serving the office of constable or surveyor of highways, and from serving in the Militia, except in case of invasion or other imminent danger, and from serving upon any jury in any Court to be held within the said City and County of Saint John, and from performing statute labour on highways and streets in the said City, and from paying the commutation money for such statute labour, and shall also be freed, exempted, relieved, and discharged from the payment of any such City or County rates or taxes or any such portion or proportion thereof as the said Common Council may in their discretion at any time or times, by any bye law or ordinance, regulation or order, direct and appoint ; and the names of such persons elected, nominated, and ap-

pointed members of the said fire department from time to time, shall be registered and entered with the Clerk of the Peace for the said City and County; and if any such engineer or firemen shall be chosen, elected, or appointed to any office or situation, or be required to perform any duties or make any payments from which he is hereby declared to be exempt and freed, then upon production of his warrant of appointment, and a certificate under the hand of the chief engineer, of his then being and serving as such engineer or fireman, he shall be absolutely relieved and discharged from the same.

5. Every person who shall have served as a chief engineer, or an engineer or fireman of the said fire department for the continued space of fourteen years in succession, and every chief engineer, engineer, or fireman who before the passing of this Act may have faithfully served as such for an uninterrupted period of not less than fourteen years, shall, if the said Common Council, by a resolution in which not less than two thirds of the whole body shall agree, shall so direct, be relieved from further service in the said fire department, and such person so relieved shall retain, have, use, and enjoy the same privileges and exemptions from serving as constable or surveyor of highways, and in the Militia, and from statute labour, as are allowed to such chief engineer, and to engineers and firemen, by this Act.

6. It shall and may be lawful for the said Mayor, Aldermen, and Commonalty of the City of Saint John, in Common Council convened, from time to time to enact, ordain, make, and establish in such manner and terms as they shall think fit, any bye laws, ordinances, orders, rules, regulations, and provisions, in respect to the organization, appointment, qualification, arrangement, government, conduct, duty, and behaviour of the several members of the fire department, or any of them, and to the care, working, management, exercising, trying, and using the fire engines of the said City, and the tools and other instruments and implements for extinguishing fires which may happen or break out in the said City, and for compelling the attendance of the members of the said fire department at any such fire, and to impose and establish such reasonable fines, penalties, and forfeitures upon them or any of them, for default or neglect of the duties, business, and services thereby,

or by this Act enjoined or required of or from them, as may be thought fit, not exceeding for any one offence the sum of ten pounds.

7. The said persons so to be elected, nominated, and appointed to be members of the said fire department, are hereby required and enjoined always to be ready at a call by night and by day, to perform their several and respective duties in the extinguishing of fires that may happen to break out in the said City, and in the preservation of property thereat; and upon the breaking out of fire within the said City the said fire policemen shall immediately repair to the place where the fire may be, and protect all property which may be either removed or being removed to preserve the same from destruction or damage, and for that purpose shall and may have full power to enter any house, or on any lands and premises connected therewith, and prevent all depredation thereon, and arrest or remove and convey to the common gaol, or any watch house or police station, or other place of confinement, any person who may be found committing or attempting to commit any felony or any breach of the peace, or any idle or disorderly person, or any person who shall intermeddle with any such property, or shall refuse when required to assist either in carrying water or obeying any other command of such fire policemen or other person having authority for the purpose of extinguishing the fire or preserving property; and any one or more of the said fire policemen, taking with him or them a Justice of the Peace for the City and County of Saint John, may enter any dwelling house, store, out house, or erection of any kind, or any yard or other land or premises, and search the same for goods, chattels, or articles of any description stolen or suspected to have been stolen at or during the continuance of the said fire, or missing in consequence of such fire; and the said goods, chattels, or articles to convey or cause to be conveyed to some safe place of deposit, or to leave the same with the said Justice or any other Justice, to be dealt with according to law.

8. Whenever it shall appear that any person has had in his possession any goods, chattels, or articles of any description whatever, which may have been stolen, missing, lost, or taken away at any fire or after any fire, and before the same has

been restored to the owner, for the space of forty eight hours after the said fire shall cease, without giving notice to the owner thereof, or to a Justice of the Peace, or to a fire policeman, such possession without such notice shall be deemed and adjudged *prima facie* evidence that such person has been guilty of larceny, and on conviction thereof shall suffer the punishment as in a case of larceny.

9. Upon the breaking out of fire within the City aforesaid, the Sheriff and all Under and Deputy Sheriffs, the High Constable and all Petty Constables and Marshals, upon notice thereof, shall immediately repair to the place where the fire shall happen, with their rods, staves, and other badges of their authority, and shall be aiding and assisting in extinguishing the said fires, and causing the people to be orderly and obedient, and in removing and securing property, and in preventing goods from being stolen, and shall seize and apprehend all ill-disposed persons that may be found stealing or pilfering thereabouts, and all other suspicious, idle, or disorderly persons.

10. The said Mayor, Aldermen, and Commonalty of the City of Saint John, in Common Council convened, shall have full power and authority from time to time to enact, ordain, make, and establish, in such manner and terms as they shall think fit, any bye laws, ordinances, orders, rules, regulations, and provisions to compel the attendance of the inhabitants or any other persons to assist at the extinguishing of fires, and to prescribe the duties of such inhabitants or other persons, and to remove or prevent the construction of any hearth, fire place, or chimney, stove, oven, or boiler, kettle, or any apparatus used in any manufacture or business which may be dangerous in causing or promoting fires; and also to direct the construction of smoke houses, and also of deposits for ashes in safe and suitable places and of materials secure against fire; and also to regulate the graving of ships; and also the keeping, carting, conveying, and transporting fire, fire brands, or live coals of fire; and also hay, straw, hemp, flax, tow, cotton, wool, rushes, firewood, boards, shingles, shavings, or other materials easily ignited; and to enforce the proper sweeping and cleaning of chimneys; and to authorize and regulate the pulling down and demolishing of buildings adjacent to buildings on fire, and remunerating the owners thereof; and also to regulate the

keeping, carting, conveying, or transporting of gunpowder, or any other combustible or dangerous material within the said City, and to provide for the forfeiture thereof if the same shall be kept, carted, conveyed, or transported contrary to any bye laws, ordinance, order, or regulation; and also to regulate the use of light and candles in livery stables and other stables within the said City; and also to direct the inhabitants or owners of houses within the said City to furnish and provide themselves with fire buckets, ladders, and any other such thing as may be necessary to be kept in, on, or near to their respective houses or other premises, to be ready for being used in preventing and extinguishing fires; and also to make rules, regulations, and restrictions to be observed by all persons in the erection of buildings to be built within the populous parts of the said City; and also to authorize such suitable officer or officers as they may think proper, at such reasonable time or times as they may direct and appoint, to enter into and examine all dwelling houses, lots, yards, enclosures, and buildings of every description within the said City, to examine, inspect, survey, and discover whether any danger of fire exists therein, and to give order and direction concerning the same, so as effectually to provide for the safety of the inhabitants and property in the neighbourhood thereof, and to impose and establish such reasonable fines, penalties, and forfeitures for any breach of the said bye laws, ordinances, orders, rules, regulations, and provisions, or any of them, as may be thought fit, not exceeding for any one offence the sum of ten pounds.

11. Repealed by 15 V. c. 12, s. 1.

12. This Act shall continue and be in force until the first day of April which shall be in the year of our Lord one thousand eight hundred and fifty two.

13th VICTORIA—CHAPTER 8.

An Act to alter and amend the Practice and Proceedings in the City Court of Saint John.

Section.

1. City Court, how often held.
2. Ordinary process of Court, &c.
3. Attachment, when may issue.
4. Form of attachment.
5. Bail, commitment, confinement, &c.
6. Defendant, when to be released before judgment.

Section.

7. Bail, for what liable.
8. Attachment, return to.
9. Alias and pluries.
10. Parties, how may appear.
11. Particulars, where delivered, &c.
12. Exhibition of.
13. Parties confined to.

Section.

14. When case may be adjourned.
15. Subpœna, how far to extend.
16. When cause to be tried.
17. When Court may try.
18. When to assess debt, &c.
19. Jurors. how summoned.
20. Execution, when and how issued.

Section.

21. Date and return of.
22. Marshal's duty on execution.
23. His further duty. Period of confinement.
24. Jurisdiction, &c., what.
25. Construction clause.
26. Fees.
27. When Act to take effect.

Passed 11th April 1850.

Be it enacted, &c.—1. The City Court of Saint John shall be holden on Thursday in every week, provided that when Christmas Day or New Year's Day shall fall upon Thursday in any week, the said Court shall be holden on the Wednesday in such week, and not on Thursday; provided also, that the sitting of the said Court may be adjourned to the day next succeeding any Court day, if deemed expedient or necessary for the dispatch of any unfinished business.

2. The ordinary process in all suits in the said Court shall be a summons issued by the Common Clerk of the said City, and may be according to the mode and form heretofore used and accustomed in the said Court, which summons shall be served by a Marshal, and may be served at any time before the time of appearance mentioned therein, in the manner following, that is to say,—If the defendant shall be found, it shall be served by delivery to him of a copy thereof, and by reading the same to him, or acquainting him with the contents, if required by him; if the defendant shall not be found, it shall be served by leaving a copy thereof at his last place of abode, in the presence of some person residing in the house of suitable age and discretion, who shall be informed of its contents, if he shall so require; and every Marshal serving a summons shall return thereupon in writing the time and manner in which he executed the same, and if required by the Clerk or either of the parties, shall verify such return by oath before the Clerk or his deputy.

3. The Clerk shall upon application issue an attachment, when it is made to appear on oath, taken before him or his deputy, or on affidavit to be taken in writing before an Alderman by the plaintiff or his agent, that the defendant is justly indebted to the plaintiff in a sum to be specified, which shall not be less than five shillings, and that he doth verily believe that the defendant is about to depart from the said City; provided that no attachment shall be issued against any person

having privilege of the General Assembly or against any female.

4. Every such attachment may be according to the mode and form of attachment heretofore used and accustomed in the said Court, and the same shall be served by a Marshal, by arresting the defendant, and at the same time delivering to him a copy of such attachment, and also if he shall require it, reading the same to him or acquainting him with its contents.

5. The Marshal shall upon such arrest take bail for the appearance of the defendant, if good and sufficient bail be tendered, which bail shall thereupon subscribe a memorandum to be endorsed on the attachment, or subjoined at the foot thereof, to the effect that he or they become bail; but if such bail be not tendered, the Marshal shall carry and convey the defendant to the common gaol of the City and County of Saint John, and deliver him to the keeper of such gaol, together with the said attachment, there to remain till discharged by due course of law, or until the debt and costs be paid; but such defendant shall not be liable to be detained in custody for any longer period than one day for every two shillings of the sum stated in the attachment; and if charged in execution while so in custody on the attachment, the time during which the defendant shall have been confined under the attachment shall go in discharge of an equal portion of the imprisonment to which he would be liable under the execution; provided always, that no gaoler shall be liable to an action for detaining any defendant so committed beyond the legal period, unless he shall have demanded his discharge, or unless such detention shall appear to have been wilful and malicious.

6. A defendant so committed to gaol shall any time before final judgment be entitled to his release in either of the following cases: Firstly—If any one or more responsible person or persons resident within the said City and County be willing to become bail, and shall subscribe a memorandum to that effect, to be endorsed on the attachment or subjoined thereto, and shall, unless allowed by the plaintiff, justify by affidavit before the Clerk or an Alderman, which affidavit shall state the place of residence and the occupation of the person so offering himself as bail, that he is really and *bona fide* worth double the sum for which the defendant may have been held to bail, over

and above what would pay all his just debts, and in addition to the necessary wearing apparel and bedding of himself and family, fuel, and tools of trade: Secondly—If the defendant shall make a deposit with the Clerk to the amount of the debt sworn to, together with ten shillings for costs, as security for the defendant's satisfying the plaintiff for the amount which he may recover in the suit; and upon such bail being put in and justified or allowed as aforesaid, or such deposit being made, the Clerk shall grant an order for the release of the defendant, directed to the gaoler, who shall, upon the delivery of such order to him, discharge the defendant from custody.

7. The bail for any defendant shall be answerable for the defendant's paying the amount of debt and costs which the plaintiff may recover against him, or that his body be rendered into custody upon execution, if such execution be taken out and delivered to a Marshal for the purpose of being executed within forty days after judgment, or within forty eight hours after service of a written notice by the bail to the plaintiff or his agent, requiring such execution to issue; and if such execution be not taken out and delivered to a Marshal within the said period of forty days after judgment, or within forty eight hours after such notice as aforesaid, in either of such cases the bail shall be discharged from all further liability; provided also, that the bail may require the plaintiff to take out execution forthwith after judgment, and may take and detain the defendant until such execution is prepared and delivered to a Marshal, and thereupon commit him to the custody of such Marshal upon such execution; and if the plaintiff shall upon such requisition refuse to take out execution, the bail shall be discharged; and any defendant before judgment, or any debtor having the benefit of the gaol limits, in any cause in the said Court, may render himself, or be rendered by his bail, in discharge of his bail, by an order for that purpose to be obtained from the Clerk, upon oath or affidavit of the circumstances, which order shall be lodged with the gaoler at the time of delivering the principal into custody, and the bail shall thereupon be discharged from all further liability.

8. Every Marshal serving an attachment, shall return thereupon in writing the manner in which he executed the same.

9. If any summons or attachment be returned not served, it

may from time to time be renewed by the Clerk, who shall upon the application of the plaintiff issue an alias or pluries summons or attachment, provided that no more than one pluries writ shall be issued or allowed for in the taxation of costs.

10. Any plaintiff or defendant in a suit before the said Court may appear and conduct his suit, either in person, or by attorney or agent, whose authority may be either written or oral; but on the trial, such attorney or agent shall not be a competent witness for the party for whom he appears.

11. Every person applying for a summons or attachment shall, at or before the issuing of the same, deliver at the office of the Clerk as many copies of a statement of the particulars of his demand, or cause of action, as there are defendants, with an additional copy to file; and the Clerk shall annex one copy thereof to each copy of the process, to be served on the defendant with the process; and every defendant having a set-off, shall file with the Clerk, or deliver to the plaintiff, a particular of such set-off at least one day before the day appointed for hearing the cause.

12. The Clerk shall at all reasonable times exhibit such particulars to the opposite party, and if required, deliver a copy of the same.

13. The parties shall at the trial of the cause be confined to their respective particulars, and shall not be allowed to go into evidence of any matter or demand not contained therein.

14. Where the summons has been served by leaving the same at the dwelling house, and it shall be made to appear to the Court on oath, or affidavit, that such defendant was absent from his dwelling house, and has not since returned thereto, or had notice of such summons, the Court may at their discretion adjourn the hearing of the cause.

15. A subpœna issued by the Clerk for the attendance of witnesses to give evidence on any trial pending in the said Court, shall be valid to compel the attendance of a witness living in the City and County of Saint John, or in an adjoining County; and the service of the subpœna shall be effected in the mode, and the person subpœnaed shall be subject to the liability prescribed and provided in those respects in and by the Act to regulate proceedings before Justices of the Peace in civil suits.

16. Every cause shall be heard and determined before the said Court, at the return of the process, if the defendant shall have been duly served at least two clear days before the return day, otherwise the cause shall be heard and determined at the Court day next after the return of the process, if duly served, unless the same shall be adjourned on account of the absence of some material witness; provided always, that in cases where the defendant shall be arrested under any attachment, and be in actual custody thereunder, the hearing and determination of such cause shall, if the defendant desires it, be had in all cases at the return of such process, unless postponed by the order of the Court, on good cause shewn on affidavit.

17. Upon the hearing of any cause, the Court (unless a jury shall have been duly demanded) shall proceed to hear the proofs and allegations of the parties, and to determine as the very right of the case may appear.

18. If the defendant do not appear to make defence, and it shall appear that the process has been duly served two clear days before the return thereof, the Court shall proceed to assess the debt, or damages, as to them shall appear just, and may make such assessment upon any bond, bill, note, or other written security for the payment of any sum certain, without further evidence; and such security shall be marked by the Alderman or the Clerk, and remain on file in the Clerk's office; the Court may also assess the debt or damages on the *viva voce* examination or the affidavit of the plaintiff, or any other person, which affidavit may be made before any Alderman, or the Clerk, or any Justice of the Peace, or any person authorized to take affidavits to be read in the Supreme Court.

19. On the application either of the plaintiff or defendant, before or at the time of calling on any cause for trial, the presiding Alderman and Common Clerk shall *viva voce* summon from among the bystanders, three disinterested persons duly qualified to sit as jurors in Courts of Record, who shall be in no wise akin to either party, to make a jury for the trial of the action, who being duly sworn, shall try the cause and give their verdict, and judgment shall be entered thereon; and the same regulations in regard to the jury and the trial of the cause shall be kept and observed in all respects as are provided in that behalf in and by an Act made and passed in the fourth year

of the Reign of His late Majesty King William the Fourth, intituled *An Act to regulate proceedings before Justices of the Peace in Civil Suits*, except as the same may be altered or other provisions made therefor by this Act; provided always, that if in the discretion of the said presiding Alderman and of the Common Clerk, three fit persons shall not be in attendance to make such jury, the said presiding Alderman and Common Clerk may postpone the trial of such cause to the next sitting of such Court, and if need be and they shall think it expedient, may authorize the Clerk to issue a venire to any Marshal disinterested between the parties, and not being the Marshal who shall have served the first process in such cause, commanding him to summon three disinterested persons duly qualified to sit as jurors in Courts of Record, and who shall be in no wise akin to either party, to make a jury on the trial of such action, who being duly sworn, shall try the cause as aforesaid.

20. Upon any judgment being rendered by the said Court, the successful party may have execution against the body or the goods of the adverse party, at his election, and on application therefor, the Clerk shall issue execution, but no execution shall be issued by the Clerk after the expiration of one year from the time of rendering judgment.

21. The execution shall be dated on the day when it is actually issued, and shall be returnable at the second succeeding Court day, unless a longer time shall be requested by the party in whose behalf the same is issued, when the return day may be extended to any time not exceeding four weeks from the date, and every such execution may be according to the form heretofore used and accustomed in the said Court; and if any execution be returned unsatisfied in whole or in part, a further execution for the amount remaining due thereon may be issued.

22. The Marshal to whom an execution against the goods shall be delivered, shall proceed forthwith to levy the same, and unless the debt or damages and costs be paid, he shall take sufficient goods and chattels of the party against whom the same is issued to satisfy the same, and shall proceed thereon in all respects as is provided for like cases in and by the said Act of Assembly for regulating the proceedings before Justices of the Peace in civil suits.

23. The Marshal to whom any execution against the body

shall be delivered to be executed, shall in the cases authorized by law take the body of the person against whom the execution is directed, and convey him to the common gaol of the said City and County, the keeper whereof shall keep such person in safe custody until the debt or damages and costs shall be paid, or he is thence discharged by due course of law; and the Marshal so conveying any such person shall deliver to the keeper of such gaol the execution by virtue of which the commitment is made; provided that no person so committed shall be liable to be detained more than one day for every two shillings of the debt or damages and costs required by such execution to be levied, or more than fifty days in the whole, if the amount exceed five pounds, and every person so committed shall be entitled to his discharge at the expiration of such time; provided also, that notwithstanding such discharge of the defendant, the judgment upon which such execution issued shall remain good against the property of the defendant, and a new execution may be issued against his property in like manner as if he had not been imprisoned.

24. The jurisdiction and authority of the said City Court, and the practice, forms, and modes of proceeding therein, (save and except as the same are herein altered, regulated and provided,) shall be and remain the same as heretofore established, used, and allowed, and in addition thereto the jurisdiction and authority of the said Court shall extend to actions against bail on any limit bond in a suit in the said Court, notwithstanding the penalty of the said bond may exceed five pounds.

25. Whenever in any of the foregoing provisions, words importing the singular number or the masculine gender are used, yet the said provisions shall be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

26. The Fees in Actions in the said City Court for the Alderman, Common Clerk, and Marshals, shall be taxed and allowed according to the following Table, and not otherwise, that is to say :—

TABLE OF FEES.
To the Alderman.

Every Judgment, two shillings and six pence; every Oath out of Court, one shilling; every Order out of Court, one shilling and six pence.

To the Common Clerk.

Summons, eight pence; each copy, four pence; Attachment, eight pence; each copy, four pence; each Oath, six pence, not more than two to be taxed for witnesses on a trial; Subpœna and Ticket, eight pence; each additional Ticket, four pence; Venire, eight pence; Execution, eight pence; each Certificate, one shilling; each Adjournment, one shilling; copies of Papers per folio of one hundred words, six pence; Return to an Order of review, five shillings.

To the Marshal.

Executing a Summons, one shilling; an Attachment, one shilling and six pence; an Execution, two shillings and six pence; attending Court on trial or hearing, six pence.

Witnesses and Jurors.

The same Fees as are now allowed in civil actions before a Justice of the Peace; but no witness's fees to be taxed for any party, unless it shall appear on oath that he has actually paid the same to such witness.

27. This Act shall commence and take effect on the first day of June in the present year.

13th VICTORIA—CHAPTER 15.

An Act further to alter and amend the Act to provide for the erection of an Alms House and Work House, and to establish a Public Infirmary in and for the City and County of Saint John.

Section.

1. Commissioners to be under Sessions.
2. Not to receive compensation, &c.

Section.

3. Magistrates may visit Alms House, &c.

Passed 26th April 1850.

Be it enacted, &c.—1. The Commissioners of the Alms House and Work House for the City and County of Saint John, heretofore appointed or hereafter to be appointed under the provisions of an Act made and passed in the first year of the

Reign of Her present Majesty, intituled *An Act to provide for the erection of an Alms House and Work House, and to establish a Public Infirmary in and for the City and County of Saint John*, shall be subject to the order and control of the General Sessions of the Peace for the City and County of Saint John, in the same manner and to the same extent as any overseers of the poor in any Parish in this Province now are subject to any order of the General Sessions of the County to which such Parish may belong; and the provisions of the second section of an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled *An Act relating to County and Parish Officers in the City and County of Saint John*, shall be extended to and are hereby declared to apply to the said Commissioners of the said Alms House and Work House in the same manner as if the said Commissioners were Parish or County officers appointed by the Justices of the Peace for the City and County of Saint John.

2. None of the said Commissioners shall receive any compensation or allowance directly or indirectly for his services as such, nor shall any of them be capable of holding any office, place, or employment in, about, or connected with the said Alms House and Work House, for or by means of which any salary, fee, emolument, compensation, or perquisite can be derived, nor shall any Commissioner either by himself or his partner be engaged or interested in any way whatever, either as security or otherwise in any contract for or on account of the said Alms House and Work House, or in furnishing any supplies, goods, materials, provisions, or articles whatever for the use thereof.

3. All the Magistrates in and for the City and County of Saint John shall have the right to visit the said Alms House and Work House for any purpose connected with the good management of the same, and shall have full power and authority to examine and inspect all the details of management and indoor economy of the same, and also into the character, conduct, and employment of each and every of the inmates.

13th VICTORIA—CHAPTER 19.

An Act for the regulation of the South Bay Canal.

Section 1.—Commissioners of Highways to control Canal.

Passed 26th April 1850.

WHEREAS a Canal has been formed for the passage of Boats, Timber, Rafts, and other craft and conveyances to and from the South Bay and River Saint John, and it becomes necessary to have the same kept open and clear of obstructions, that it may be more available for public use ;—

Be it therefore enacted, &c.—1. The Commissioners of Highways for the Parish of Lancaster appointed annually by the Court of General Quarter Sessions of the Peace for the City and County of Saint John, shall have and are hereby empowered to have the control, inspection, and supervision of the said South Bay Canal, with authority to compel the removal of timber, or any other thing that may impede the free use and passage of the said Canal, and of Mosquito Cove opposite thereto, in passing and repassing with boats, timber, rafts, or other articles, as fully and amply and with the same powers and authority as they the said Commissioners might or could do if the said Canal, and the embankments and appurtenances thereof, were a portion of a great road on the dry land in this Province, and the said Commissioners were Supervisors of the said great road.

14th VICTORIA—CHAPTER 7.

An Act to continue and amend an Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John.

Section.

1. What Act continued.
2. Justices to act for Police Magistrate, by whom appointed.

Section.

3. Portland Police District: how far extended.

Passed 28th March 1851.

Be it enacted, &c.—1. An Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John*, except so far as the same is hereby altered or repealed, be and the same is hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty six.

2. It shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to

nominate and appoint from time to time, two or more of the Justices of the Peace for the City and County of Saint John, either one of whom may, during the temporary absence or illness of the Police Magistrate, sit as Police Magistrate at the Police office, and execute the duties of the said Police Magistrate; and for every day such Justice shall so execute the duties of the said Police Magistrate, he shall receive such sum as may be determined upon by the Commissioners of Police for the said Parish for the time being, not exceeding fifteen shillings per day, to be paid out of the Portland Police Fund, on certificate from the Police Magistrate of the time during which he may have so performed the duties of Police Magistrate.

3. So much of the fifty second Section of the hereinbefore recited Act as defines the Portland Police District, be and the same is hereby repealed, and in lieu thereof, the Portland Police District shall extend and be construed to extend to the whole of the said Parish of Portland.

14th VICTORIA—CHAPTER 10.

An Act relating to the levying and collecting Rates in the City and County of Saint John.

Section.

1. Powers of Police Magistrate as to taxes, to whom extended.
2. None but Police Magistrate to receive fees.

Section.

3. What Commissioners may be taxed.
4. What branch, &c., of Company may be taxed.

Passed 30th April 1851.

Be it enacted, &c.—All the powers and authorities given to the Police Magistrate of the Parish of Portland by the forty seventh Section of an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John*, to collect fines due from defaulters to statute labour, shall be and are hereby extended to the collection and enforcing payment of all other rates, taxes, and assessments made and ordered and recoverable in the said Parish; and all fees and costs attending such collection shall be paid over and applied in the manner pointed out in and by the said Section of the said Act; and no fees or costs shall be recovered by any other Magistrate than the said

Police Magistrate, for enforcing any such rates, taxes, or assessments.

2. It shall not be lawful for any Justice of the Peace, other than the Police Magistrate of Portland, or any other Magistrate duly sitting at the Portland Police Office, to take and receive any fees or costs, of any nature or kind, for or upon any acknowledgment, proceedings, trial, judgment, or conviction of any nature or kind, had before him as a Justice of the Peace within the said Parish of Portland; provided that nothing herein contained shall extend to fees and costs to be taken by any Justice of the Peace under the provisions of an Act intituled *An Act to regulate proceedings before Justices of the Peace in Civil Suits*; and any Justice of the Peace who shall take any costs or fees contrary to the provisions of this Act, shall be deemed and taken to be guilty of extortion, and may be indicted and prosecuted for the same before any Court of competent jurisdiction.

3. Notwithstanding any thing contained in the eleventh and twelfth Sections of an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act more effectually to provide for the support of a Nightly Watch and Day Police in that part of the City of Saint John lying on the eastern side of the Harbour of Saint John, and for lighting the same, as also for other purposes*, the real and personal property and estates of all joint stock Banking and Insurance Companies shall be liable to taxation for the purpose of the said last recited Act, in the mode pointed out in and by the second Section of an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to the local government of Counties, Towns, and Parishes in this Province*.

4. The stock of any branch or agency of any joint stock Banking Company or Corporation, may be assessed to the extent of the amount of stock owned in this Province, under the provisions of the said last recited Act, notwithstanding the principal place of carrying on the business of the said Corporation may not be within this Province, and notwithstanding such stock may be a part of the capital stock of any Corporation whose principal place of business may not be within this Province.

14th VICTORIA—CHAPTER 11.

An Act relating to the Navigation of the River and Harbour of Saint John.

Section 1.—What Mills exempted from a certain Act.

Passed 30th April 1851.

WHEREAS by the operation of an Act intituled *An Act in addition to and in amendment of the Act relating to the Navigation of the River and Harbour of Saint John*, and *An Act for more effectually securing the Navigation of the River and Harbour of Saint John, in the City and County of Saint John*, it is rendered unlawful to put, place, or throw into the Harbour of the City of Saint John, any slabs, edgings, rinds, bark, chips, or sawdust: And whereas it appearing from the situation of the “Carleton Tide Mills,” that they cannot be worked without the sawdust falling into the tide, and that the operation of the said Acts would be ruinous to the Lessee of the said Mills;—

Be it therefore enacted, &c.—1. From and after the passing of this Act the “Carleton Tide Mills” shall be exempt from the operation of the Act intituled *An Act in addition to and in amendment of the Act relating to the Navigation of the River and Harbour of Saint John*, and *An Act for more effectually securing the Navigation of the River and Harbour of Saint John, in the City and County of Saint John*, so far as the same relate to sawdust.

14th VICTORIA—CHAPTER 14.

An Act relating to the appointment of the Gaoler of the Gaol of the City and County of Saint John.

Section 1.—Appointment of Gaoler of City Saint John, in whom vested.

Passed 30th April 1851.

WHEREAS doubts have arisen whether under the provisions of the Charter of the City of Saint John, the appointment of the Gaoler of the Gaol of the said City and County is vested in the Mayor, Aldermen, and Commonalty of the said City, or in the Sheriff of the said City and County;—

Be it therefore declared and enacted, &c.—1. Notwithstanding any thing in the said Charter contained, the appointment of the Gaoler of the Gaol now erected in the said City, and

used as the Gaol of the said City and County of Saint John, is and shall be vested in the Sheriff of the said City and County of Saint John.

15th VICTORIA—CHAPTER 10.

An Act in further amendment of an Act intituled *An Act for the better extinguishing of Fires which may happen in the City of Saint John.*

Section.

1. Alarm bells, &c., when Common Council may erect, and regulations, when made.

Section.

2. Assessment for same.

Passed 18th February 1852.

Be it enacted, &c.—1. It shall be lawful for the Common Council of the City of Saint John to erect and set up in convenient places, on the east side of the harbour, such and so many alarm bells, gongs, and other suitable instruments for raising alarms of fire in the City, as they may think expedient, with proper and convenient bellfries, machinery, and appurtenances, and for this purpose to use and occupy, if they shall think necessary, any part of King's and Queen's Squares, and by any bye laws, orders, or resolutions of Common Council to direct, regulate, and provide for the due and proper use, management, and employment of the same.

2. For the purpose of defraying the expense thereof, the Common Council are authorized, in ordering any assessment during the present year for the support of the fire department, to add thereto a sum not exceeding four hundred pounds, to be applied for the purposes of this Act and for no other use or purpose whatsoever, the same to be assessed on the eastern side of the harbour.

15th VICTORIA—CHAPTER 11.

An Act to provide for the erecting and making certain Wharves and improvements in the Harbour of Saint John.

Section.

1. City Corporation authorized to erect wharves, &c., for what steamers.
2. What land vested in Corporation for that purpose.
3. What sum Corporation may borrow.
4. Loans, how taken.

Section.

5. Debentures negotiable, &c.
6. Wharfage, &c., by whom receivable, &c.
7. Receipts, how applied.
8. Surplus, how applied.
9. Land, &c., from what exempted.
10. Moneys borrowed, by whom paid.

Section.

11. Authority to extend what street.
12. On disagreement as to paying for land, how settled.
13. Fees on inquiry, &c.

Section.

14. Damages, &c., when paid, &c., power of Corporation, &c.
15. Extending street, how paid for.
16. Assessment in case of deficiency in interest.

Passed 18th February 1852.

WHEREAS the want of Piers, Slips, and Wharves, for the accommodation of sea-going Steamers resorting to the Harbour of Saint John, is severely felt, and is highly injurious to the trade of the City of Saint John ;—

Be it therefore enacted, &c.—1. It shall and may be lawful for the Mayor, Aldermen, and Commonalty of the City of Saint John, notwithstanding any thing contained in an Act made and passed in the ninth year of Her present Majesty's Reign, intituled *An Act relating to the Public Debt of the City of Saint John*, and notwithstanding any thing contained in an Act passed in the third year of Her present Majesty's Reign, intituled *An Act to limit the extent and regulate the building of Wharves on the eastern side of the Harbour of Saint John*, to contract and agree with able and sufficient workmen for the laying out, erecting, and finishing, on the lots and parcels of land, beach, and flats hereinafter described, at or near Reed's Point in the City and Harbour of Saint John, such slips, piers, wharves, and jetties as may seem to them most suitable and proper for the accommodation and safety of steamers and other vessels resorting to the Harbour of Saint John, for such sums of money not exceeding seven thousand five hundred pounds, and upon such a plan and of such construction as may be best adapted to the said object.

2. All that certain lot, piece, or parcel of land, beach, and flats situate and being at Reed's Point in the City of Saint John, and bounded and described as follows, that is to say—Commencing at a point on the prolongation westwardly of the southern line of Main Street, at the distance of eighty feet eastward of where the same is intersected by the prolongation of the eastern line of Prince William Street, thence southwardly at right angles to Main Street one hundred feet, thence westwardly parallel with the line of Main Street four hundred and eighty feet, thence northwardly one hundred feet to the prolongation of the said south line of Main Street, thence eastwardly to the place of beginning ; and also all that other piece or parcel of land, beach, and flats situate as aforesaid,

and bounded and described as follows, viz:—Commencing at a point on the prolongation on the northern line of Main Street at the distance of eighty feet eastward of where the same is intersected by the prolongation of the eastern line of Prince William Street, thence running northwardly parallel with the line of Prince William Street two hundred feet or until it intersects the prolongation of the south line of Britain Street, thence crossing Britain Street keeping the same course to the distance of twenty five feet to the northward of the northern line thereof, thence westwardly one hundred and fifty feet or until it intersects the prolongation of the western line of Prince William Street, thence northwardly along the prolongation of the west line of Prince William Street to the intersection of the prolongation of the northern line of Saint James Street, thence westwardly along the northern prolongation of Saint James Street two hundred and ninety feet from the west line of Prince William Street, thence southeastwardly in a direct line towards the westernmost end of the first described piece of ground two hundred and twenty feet, thence in a south-eastwardly direction three hundred and thirty feet or thereabouts to a point one hundred feet westward of the prolongation of the northern line of Main Street, where the same is intersected by the prolongation of the western line of Prince William Street, thence eastwardly along the prolongation of the northern line of Main Street two hundred and forty feet or thereabouts to the place of beginning, shall be and they are hereby declared to be vested in the Mayor, Aldermen, and Commonalty of the City of Saint John, for the uses and purposes of this Act and none other.

3. The said Mayor, Aldermen, and Commonalty of the City of Saint John are hereby authorized and empowered, notwithstanding any thing in the said recited Acts contained, to borrow such sums of money as may be required for the erecting, constructing, and completing the said works and improvements, not exceeding in the whole the sum of seven thousand five hundred pounds, to be paid off and discharged in manner hereinafter provided.

4. The said sum of seven thousand five hundred pounds shall be taken in loans of not less than one hundred pounds, and Debentures in the following form, or to that effect,

shall be prepared and delivered to the persons from whom such loans shall be obtained, viz :—

Number ———

City of Saint John.

This certifies that [*money lender*] hath lent to the Mayor, Aldermen, and Commonalty of the City of Saint John, the sum of one hundred pounds currency, which sum is payable to him or his order, together with interest at and after the rate of per cent. per annum, pursuant to an Act of Assembly passed in the fifteenth year of the Reign of Her present Majesty, intituled *An Act to provide for the erecting and making certain Wharves and improvements in the Harbour of Saint John*.—Dated the day of A.D. 185 .

By order of the Common Council.

[L.S.]

C. D. Common Clerk.

A. B. Mayor.

Which same debentures shall be sealed with the Common Seal of the said Corporation, and signed by the Mayor and Common Clerk, shall be consecutively numbered according to the times at which the same shall be issued ; and a record of the same shall be entered by the Clerk in the Minutes of the said Corporation.

5. The said debentures so to be issued under the provisions of this Act shall be negotiable in the same manner as promissory notes ; and the holders thereof shall be entitled to receive interest upon the same semi-annually, at a rate not exceeding six per cent. to be paid by the Chamberlain of the said City out of the funds hereinafter provided.

6. All rents, wharfage, slippage, top-wharfage, dockage, crantage, and issues and profits whatever arising from the said wharves, piers, jetties, slips, and docks, and other erections and improvements made, laid out, or constructed under the provisions of this Act, or issuing out of or derived from the said beach and flats hereinbefore described, or the appurtenances thereof, shall be receivable by and paid to the Chamberlain of the said City by the lessors thereof, or by any persons owing such rents, issues, or profits of the said premises described in this Section, or by any wharfinger or collector of wharfage, slippage, or dockage who may be appointed to receive the same ; and the said Chamberlain shall keep a separate account of all sums of money so by him received,

distinct from all other moneys in his hands as such Chamberlain, which account shall be by him exhibited and shewn to the holder of any debenture issued under the provisions of this Act, on reasonable demand for that purpose made.

7. The moneys so received by the said Chamberlain shall be from time to time applied, after discharging the yearly interest due upon the said sums mentioned in the said debentures, in paying off the said debentures in due order according to their number, beginning with number one; and the said Chamberlain, so often as he shall be desired by the Common Council, shall give one month's notice by advertisement in one of the public Newspapers of the said City, for calling in such and so many of the said debentures as the said Common Council may be prepared to pay off, specifying the number thereof, and the same shall pay off accordingly, and from and after the expiration of the time appointed by the said notice the interest on such debentures shall cease.

8. After the amount due upon the debentures issued under this Act, and all interest due thereon, shall be fully paid and satisfied, all the net rents, issues, and profits arising from the said lands hereinbefore described, and all erections thereon, shall be applied in payment of the public debt of the said City of Saint John.

9. The said land, beach, and flats hereinbefore described, with all wharves and erections to be built and placed thereon, and their appurtenances, shall be exempt from all taxes, rates, and assessments whatever, and shall not in law or equity be liable to or be levied upon or taken in execution and sold for the debts of the Mayor, Aldermen, and Commonalty of the City of Saint John, or any person whatever; provided always, that nothing herein contained shall be held or taken to exempt the said lands and improvements thereon from any claims or lien in equity or at law which the holders of the said debentures issued under this Act may have thereupon, until the payment of all moneys raised by virtue of this Act.

10. All moneys loaned to the Corporation under this Act shall be paid by the lenders thereof to the Chamberlain, and shall be paid out by him to the contractors or workmen who shall build the wharves and other erections to be made under this Act, on orders to be made by the Common Council.

11. And whenever it may become necessary, in order to the full completion of the improvements in the said harbour contemplated by this Act, to extend Britain Street westwardly to a junction with the said wharves or any of them, the Mayor, Aldermen, and Commonalty of the City of Saint John are therefore hereby authorized and empowered to extend Britain Street westwardly, preserving the same breadth, to the said wharves or piers, or any of them; provided always, that the said street shall not be extended through any property without the consent of the owner or owners thereof, or without agreeing with such owner or owners, and paying to him or them the value of the property so required for such extension.

12. In case the said Common Council cannot agree with any owner or owners of such property so required, the Mayor of the said City shall issue his warrant to the Sheriff of the City and County of Saint John, requiring him to summon a jury of twelve disinterested freeholders of the said City, who shall set and appraise the damages sustained by the owner of property so required for the said street on oath, which oath the said Sheriff is hereby authorized to administer; and the said jury shall also inquire and return in their verdict who are the owner or owners to whom such value and damages shall be paid.

13. The said Sheriff in holding such inquiry shall be entitled to the same fees and shall have all the powers, jurisdiction, and authority vested in him in the executing any writ of inquiry issuing out of the Supreme Court; and the said jury in assessing such damages are authorized to take into consideration the advantages which may accrue to the owner of such land so taken, by the extension of such street, in diminution of such damages, and the amount so assessed shall be returned with the name of the owner or owners of such land so taken.

14. The amount so assessed shall be paid to the owner or owners returned in such verdict, and upon payment thereof by the said Corporation, or upon tender and refusal thereof, the said Corporation shall be fully authorized to extend the said street through such land in the same manner as if the owner had consented thereto.

15. All moneys which may be required for the extension of the said street shall be paid by the Chamberlain of the said City, together with all costs and expenses which may be therein

incurred, out of the moneys to be raised by virtue of this Act, by orders of the Common Council upon the Chamberlain.

16. In case any deficiency shall exist between the net annual income arising from the said wharves and improvements erected and made under this Act, and the annual interest due upon the said debentures, in any such case it shall and may be lawful for the said Mayor, Aldermen, and Commonalty of the City of Saint John, in Common Council convened, and they are hereby required to order an assessment of such sum of money on the eastern side of the harbour of the said City, as shall amount to and make up such deficiency, and every such assessment shall be assessed, levied, and raised agreeably to the several Acts now in force or hereafter to be in force for assessing, levying, and raising County, Town, or Parish rates, and when collected shall be paid into the hands of the Chamberlain of the said City, to be applied to the sole purpose of paying off such deficiency of interest; provided that no greater sum than four hundred and sixty pounds, with the costs and charges for levying and collecting the same, shall be levied in any one year under the authority hereby given.

15th VICTORIA—CHAPTER 12.

An Act to continue and amend an Act intituled *An Act for the better extinguishing of Fires which may happen in the City of Saint John*.

Section.

1. What Section repealed.
2. Repealed.

Section.

3. Chamberlain, how to keep Accounts.
4. Continuance of Act.

Passed 18th February 1852.

Be it enacted, &c.—1. The eleventh Section of an Act passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act for the better extinguishing of Fires which may happen in the City of Saint John*, is hereby repealed.

2. Repealed by 17 V. c. 6, s. 1.

3. The Chamberlain shall keep a separate and distinct account of all moneys received by him in respect of the said assessment, and shall apply and appropriate the same from time to time upon the orders of the Common Council, and as they shall direct, for the purposes aforesaid, and shall in every year make out a full, complete, and detailed account under oath, to

be taken before a Justice of the Peace, made up to the thirty first day of December, with vouchers of moneys received and paid by him on the said account, and shall, without delay, thereafter file such account and vouchers in the Common Clerk's office.

4. This Act and the said recited Act, except so far as the same is hereby altered or repealed, shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty.

15th VICTORIA—CHAPTER 15.

An Act for the better extinguishing of Fires which may happen in the Parish of Portland, in the County of Saint John.

Section.

1. Firewards to appoint Firemen.
2. Also hook and ladder company, and police; duties.

Section.

3. Possession of stolen, &c. articles at fire, when deemed larceny.
4. Who may order building to be pulled down at fire.

Passed 18th February 1852.

Be it enacted, &c.—1. The Firewards of the Portland Fire District as now or hereafter to be defined, may appoint any number of firemen, not exceeding sixty for each engine, in the manner directed by the sixth Section of the Act of Assembly passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to the local government of Counties, Towns, and Parishes in this Province.*

2. The said Firewards may appoint a company of hook and ladder men for the said Portland Fire District, not exceeding twenty men, who shall be entitled to the same privileges as firemen, and may establish regulations for their guidance and control; and may also nominate suitable persons to form a fire police for the said Parish, and submit their names from time to time to the Justices of the Peace in Sessions for confirmation; and on a fire breaking out, the fire police shall immediately repair to the place where the fire may be, and protect all property which may be either removed or being removed to preserve the same from destruction or damage; and for that purpose shall and may, within the fire district, have full power to enter any house, or on any lands

and premises connected therewith, and prevent all depredations thereon, and arrest or remove and convey to the common gaol, or any watch house, or police station, or other place of confinement, any person who may be found committing or attempting to commit any felony or any breach of the peace, or any idle or disorderly person, or any person who shall intermeddle with any such property, or shall refuse when required to assist either in carrying water or obeying any other command of such fire policeman, or other person having authority for the purpose of extinguishing the fire or preserving property; and any one or more of the said fire policemen, taking with him or them a Justice of the Peace for the City and County of Saint John, may enter any dwelling house, store, out house, or erection of any kind, or any yard or other land and premises, and search for goods and chattels or articles of any description, stolen or suspected to have been stolen at or during the continuance of the said fire, or missing in consequence of such fire; and the said goods and chattels or articles to convey or cause to be conveyed to some safe place of deposit, or to leave the said goods with the said Justice or any other Justice, to be dealt with according to law; and the said fire policemen to remain in office during the pleasure of the Justices in Session.

3. Whenever it shall appear that any person has had in his possession any goods, chattels, or articles of any description whatever, which may have been stolen, missing, lost, or taken away at any fire within the fire district, or after any fire, and before the same has been restored to the owner, for the space of forty eight hours after the said fire shall cease, without giving notice to the owner thereof, or to a Justice of the Peace, or to a fire policeman, such possession, without notice, shall be deemed *prima facie* evidence that such person has been guilty of larceny, and on conviction thereof shall suffer punishment as in case of larceny.

4. Whenever it shall be determined at any fire by a Justice of the Peace for the City and County of Saint John, with any Fireward, to be necessary to pull down or otherwise demolish any building to stop the progress of any fire, the same may be done by their joint order; and all persons present, if required by the said Justice or Fireward, shall be aiding and assisting thereat.

15th VICTORIA—CHAPTER 16.

An Act to provide for the erection of a Building for a Registry Office in the City and County of Saint John.

Section.

1. Land for Registry Office by whom may be purchased, and for what purpose.
2. What sum may be borrowed, and by whom.

Section.

3. Assessment to pay same, how made.
4. Assessments, by whom disbursed.
5. Treasurer's compensation.
6. Repeal of Act.

Passed 18th February 1852.

Be it enacted, &c.—1. The Justices of the Peace of the City and County of Saint John, at any General Sessions, or any Special Sessions for such purpose to be called, shall by themselves or by any committee for that purpose appointed, provide, and if necessary, contract and agree with any person or persons for the purchase of a lot or piece of land in the City of Saint John, and for the erection of a suitable building of stone or brick thereon, with a proper safe, and the same shall be used for the keeping and preserving the records, books, and papers of the Registry office of the said City and County; and any contract for this purpose may be entered into by the name of "The Justices of the Peace for the City and County of Saint John," and may be enforced by the said Justices at law or equity by the name aforesaid.

2. For the purpose of defraying the charges and expenses of the same, the Justices at the same or any other General Sessions, or Special Sessions to be called for that purpose, may order or direct from time to time a sum or sums of money to be borrowed, not exceeding eleven hundred pounds, to be paid and discharged in the manner hereinafter mentioned, the same to be taken in loans of not less than one hundred pounds each, the interest to be paid semi-annually, namely, on the first days of January and July in each year, and debentures in the following form, or to the same effect, shall be prepared and delivered to the persons from whom such loan may be obtained, namely:—

Number ———

Registry Office Debenture.

City and County of Saint John, to-wit.

These are to certify that [*here insert the name, residence, and addition of lender*] hath lent and advanced to the Justices of the Peace for the said City and County, the sum of _____ pounds currency, which sum is payable to him or his order,

together with lawful interest, the interest to be paid half yearly on the first days of January and July in each and every year, pursuant to an Act of Assembly passed in the fifteenth year of the Reign of Her Majesty Queen Victoria, intituled *An Act to provide for the erection of a Building for a Registry Office in the City and County of Saint John*.—Dated the day of A. D. 185 .

By Order of the Sessions.

G. W. Clerk of the Peace.

A. B. Mayor or Recorder.

Which same debentures shall be signed by the Mayor of the City, or in his absence, by the Recorder, and countersigned by the Clerk of the Peace, and shall be respectively and consecutively numbered according to the time at which the same may be made and signed, and a memorandum thereof shall be duly entered by the Clerk in the Minutes of the Court; and the same shall be negotiable as promissory notes, and be entitled to draw interest thereon half yearly on the first days of January and July in each and every year, and shall be paid out of the assessment hereinafter mentioned.

3. The Justices in General Sessions shall make a rate or assessment of a sum not exceeding two hundred pounds the present year, and of a like sum in each succeeding year, besides the charges for assessing and collecting, for the purpose of discharging the interest due on the said loans, and so much of the principal as the residue of such annual sum will amount to, until the same shall be paid off; the same to be assessed, levied, collected, and paid in such proportion and in the same manner as any other County rates for public charges, by virtue of any Act or Acts made or to be made for that purpose.

4. The money so to be assessed as aforesaid, shall be paid to the County Treasurer, and shall be applied by him, on the orders of the said Justices in Session, towards discharging the interest due on the said debentures, and to the payment of the principal sums in due order according to the numbers, beginning with the number one, on one calendar month's notice by advertisement in one of the City Newspapers, calling in such and so many of the said debentures as he may by the said order be directed to pay off, after the expiration of which notice all interest thereon shall cease.

5. The County Treasurer shall be entitled to one per cent. for his services in receiving and paying the said money to be assessed under this Act, and no more.

6. The Act passed in the ninth year of her present Majesty's Reign, intituled *An Act to provide for the safe keeping of the Public Records of the City and County of Saint John*, be and the same is hereby repealed.

15th VICTORIA—CHAPTER 18.

An Act relating to the Public Wharves in the Parish of Portland, in the County of Saint John.

Section 1.—Commissioners of Highways, authority over wharves, &c., in Portland.

Passed 18th February 1852.

WHEREAS the great increase of business and travelling has rendered it necessary that all the public Wharves in the Parish of Portland should be laid out and established as public highways, and recorded as such, and thereby power given to the Commissioners of Highways for the time being to keep such public Wharves free from obstructions ;—

Be it therefore enacted, &c.—1. It shall and may be lawful for the Commissioners of Highways for the time being, in and for the Parish of Portland, to lay out, record, and establish all public wharves and the approaches thereto in the said Parish, as public wharves and approaches, and to keep them at all times free from obstructions, and shall have the same power and authority in respect thereof as is by law vested in them in respect of any other public highway ; provided always, that such wharves and approaches shall not be of a less width than twenty feet, any law to the contrary notwithstanding.

15th VICTORIA—CHAPTER 62.

An Act to amend and explain an Act to permit the establishment of a Fish Market in one of the public Slips in the City of Saint John.

Section 1.—What Act not to authorize filling up slip, to what extent, &c.

Passed 7th April 1852.

WHEREAS an Act was passed in the fourth year of Her Majesty's Reign, intituled *An Act to permit the establishment*

of a Fish Market in one of the public Slips in the City of Saint John : And whereas doubts have arisen whether the said Act authorizes and empowers the Mayor, Aldermen, and Commonalty of the City of Saint John entirely to occupy and fill up with erections and buildings the said public slip, and thereby deprive the owners or occupiers of the lots or parcels of land having fronts on the north and south sides of the said public slip, as well as all other of Her Majesty's liege subjects, of all access to and through the said public slip and to the said lands and premises on the side lines thereof, and likewise to the harbour, to the inconvenience of the public and the great loss and detriment of the owners and occupiers of the said lots or parcels of land ;—

Be it therefore enacted, &c.—1. Nothing in the said recited Act contained does extend or shall be deemed or construed to extend to authorize or empower the Mayor, Aldermen, and Commonalty of the City of Saint John to occupy and fill up the said public slip at the foot of Duke Street with any fence, erection, or building, or incumbrance of any nature or description, extending in width on Saint John or Water Street, across the whole breadth or mouth of the said public slip ; or to legalize any fence, erection, or building now made and erected or hereafter to be made and erected across the mouth of the said slip other than the Fish Market first erected under the provisions of the said recited Act, fronting twenty eight feet on Saint John or Water Street, and extending the same width westwardly, and the wharf and erections in the rear thereof to the westward of the said Fish Market, of the same width as such market ; or to authorize and empower the Mayor, Aldermen, and Commonalty of the City of Saint John to erect or place any buildings, sheds, or erections in the said public slip between the north and south side lines of the Fish Market so first erected as aforesaid under the authority of the said Act, and such prolongation thereof westwardly, and the said north and south side lines of the said public slip respectively ; or to legalize or authorize any erection now placed or hereafter to be placed between the said north and south side lines of the said Fish Market so first erected and the said prolongation thereof westwardly, and the said north and south side lines of the said public slip ; provided always, that nothing

herein contained shall prevent or be construed to prevent the Mayor, Aldermen, and Commonalty of the City of Saint John, (if essentially necessary for the purpose of a Fish Market) from extending and enlarging the said Fish Market so first erected under the authority of the said recited Act, by lengthening or extending the same to the westward, preserving the same width as when first erected, in such manner as from time to time may be necessary for further public accommodation as a Fish Market, always reserving and keeping open for public use the passages on the north and south sides of said building, and on the north and south lines of the properties so bounding on said slip respectively; provided also, that nothing in this Act contained shall hinder or prevent the Mayor, Aldermen, and Commonalty of the City of Saint John from removing from and out of the said slip all or any erection made by them in the said public slip under the provision of the said Act, intituled *An Act to permit the establishment of a Fish Market in one of the public Slips in the City of Saint John*, or to prevent the said Mayor, Aldermen, and Commonalty from making any arrangement with the owners of the property on the north and south sides of the said slip with respect to the space between the said properties and the said Fish Market, and the prolongation of the same, which space is by this Act to be left open.

15th VICTORIA—CHAPTER 63.

An Act in addition to an Act intituled *An Act for the better extinguishing of Fires which may happen in the Parish of Portland, in the County of Saint John*.

Section 1.—Firemen, &c., further exemptions, what allowed.

Passed 7th April 1852.

Be it enacted, &c.—1. Every person appointed a fireman, or hook and ladder man, in the Portland Fire District, as now or hereafter to be defined in the County of Saint John, during his continuance in such office and no longer, in addition to the privileges and exemptions allowed by law, shall also be freed and exempted from payment of any assessment made on him for County or Parish rates or taxes, or for the purposes of the lamp, police, and fire department in the said Parish of Port-

land, provided that such exemption shall not in any individual case exceed twenty shillings in any one year.

16th VICTORIA—CHAPTER 7.

An Act to continue and amend an Act more effectually to provide for the support of a Nightly Watch and Day Police in that part of the City of Saint John lying on the eastern side of the Harbour of Saint John, and for lighting the same, as also for other purposes.

Section.

1. Nightly Watch Act continued.
2. When assessment may be made under.
3. Certain Sections of what Act with what incorporated.

Section.

4. Fines, to whom to be paid.
5. Wages of Superintendent, &c., by whom fixed.

Passed 14th April 1853.

Be it enacted, &c.—1. An Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act more effectually to provide for the support of a Nightly Watch and Day Police in that part of the City of Saint John lying on the eastern side of the Harbour of Saint John, and for lighting the same, as also for other purposes*, (except so much thereof as is repealed by the twelfth Section of an Act made and passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act in further amendment of the Charter of the City of Saint John*,) be and the same is hereby continued in full force for five years from the first day of May next.

2. The assessment to be made under the said Act may be made at any time in every year prior to the tenth day of May.

3. The fifth, sixth, seventh, and thirteenth Sections of an Act made and passed in the seventh year of the Reign of His Majesty King William the Fourth, intituled *An Act to provide for the collection of County and Parish Rates*,* be and the same are hereby continued and incorporated with the Act hereby continued, and the provisions contained therein shall be held to apply to and be in force in respect of any assessment ordered and made by the Mayor, Aldermen, and Commonalty of the City of Saint John, under the said Act so hereby continued, and any proceedings taken under such assessment.

4. All moneys received for fines or penalties levied in any case in which the Police Magistrate shall sit alone, or with any

other Magistrate at the Police Office of the said City, shall be once in each and every month paid to the Chamberlain of the said City, to the use of the Watch and Police Fund, any thing to the contrary thereof in the law imposing such fine or penalty notwithstanding.

5. The rate of wages of the Superintendent and Policemen shall be fixed and established by the Common Council, notwithstanding any thing to the contrary in any law contained.

* *The following are the Sections of Act 7 W. 4, c. 7, incorporated by the above Act into the Act 11 V. c. 13:—*

5. There shall be allowed to the assessors and collectors respectively in the several Towns and Parishes, such compensation or fees for their services as the Justices of the Peace for the several Counties shall, at their General Sessions at which each respective assessment is ordered, deem reasonable, and then and there order and establish; provided always, that no assessors shall in the whole be allowed at a greater rate than five per cent. and no collector at a greater rate than ten per cent. on the amount ordered to be assessed; provided also, that no assessor shall be allowed a per centage unless the provisions of the second Section of this Act shall have been fully complied with, and no collector shall be allowed a per centage on any greater sum than he may actually collect and pay over, nor be entitled to receive such per centage until he shall have collected the whole amount mentioned in the precept to him directed, or assigned sufficient reasons, satisfactory to the Sessions, for not collecting the same, nor until such collector shall have rendered a full account, shewing the amounts received and paid by him, and a correct list of all the defaulters in his district, as is provided in and by the third Section of this Act.

6. A sum equal to the per centage on the several amounts ordered to be assessed as aforesaid, shall be included in every assessor's warrant, for defraying the expenses of assessing and collecting, and when collected shall be paid into the hands of the respective County Treasurers for the purpose of paying the assessors and collectors, as the Justices may by their order in Sessions from time to time direct.

7. And whereas it is difficult in most cases for the assessors

to apportion the rate or assessment to be made by them, so that the total amount thereof shall correspond with the exact sum ordered to be assessed;—In all assessments for Town or Parish rates, now made or hereafter to be made, such assessment shall be deemed and taken to be legal, although the aggregate amount thereof shall exceed the sum ordered to be assessed; provided the difference shall not be more than ten per cent. on the sum so ordered.

13. When any Clerk of the Peace, Assessors, or Collector may have neglected to perform any of their said duties within the time prescribed by this Act, it shall nevertheless be lawful for such Clerk, Assessors, or Collectors to perform such duty after the time so prescribed, and all such subsequent proceedings shall be held and deemed good and valid to all intents and purposes as if done within the said prescribed period.

16th VICTORIA—CHAPTER 8.

An Act relating to the Fire Police of the City of Saint John.

Section.

1. Fire Policemen, powers to what extended.

Section.

2. Injuring Fire Engines, &c. what crime.

Passed 14th April 1853.

Be it enacted, &c.—1. The fire policemen of the City of Saint John, in addition to the powers given them by the seventh Section of an Act made and passed in the thirteenth year of Her present Majesty's Reign, intituled *An Act for the better extinguishing of Fires which may happen in the City of Saint John*, shall also have full power and authority, on the breaking out of fire within the City, to order and direct persons present to form lines for the passing of water or otherwise, as may be necessary, and to prevent any persons interfering with such lines, and to prevent persons passing through or across any street, alley, or highway, in the vicinity of the fire, and to keep persons at a proper distance therefrom, and to give orders and directions as to the employment of the people present, for the purpose of extinguishing the fire, or preserving property, or protecting the engines, hose, and other fire apparatus, and for such purposes to extend chains or ropes along, through, or across such streets, alleys, or highways; and any person obstructing or opposing or assaulting a fire policeman in the

discharge of his duty, or using violent, abusive, or insulting language to a fire policeman, shall forfeit and pay a sum not exceeding ten pounds, to be recovered before the Police Magistrate of the City, in the same manner and to the same effect as any other pecuniary penalty may be recovered before such Magistrate.

2. If any person shall at any time or place whatsoever, wantonly or maliciously spoil, break, injure, damage, or render useless any engine, or any of the hose, materials, or apparatus belonging to the engines, or used for the purposes of the Fire Department, he shall be guilty of felony.

16th VICTORIA—CHAPTER 9.

An Act to restrain the going at large of Dogs within the City of Saint John.

Section.

1. Common Council may make bye laws as to tax on Dogs, &c.

Section.

2. What Act repealed.

Passed 14th April 1853.

Be it enacted, &c.—1. The Common Council of the City of Saint John, by any bye laws may impose a tax on dogs, to be levied yearly upon persons owning or keeping dogs within the City, not exceeding five shillings for each dog, and to be levied, paid, and applied and appropriated as may be directed by such bye laws, and to restrain, licence, regulate, or entirely prevent dogs going at large within the City, under such restrictions, regulations, and conditions as the Common Council may direct, and to order the destruction of dogs going at large contrary to the provisions of such bye laws, and to impose reasonable penalties and forfeitures for any breach thereof; provided that no such penalty shall exceed forty shillings for each offence, and that no person shall be obliged to pay more than five shillings annually for any one licence granted under the provisions of this Act.

2. An Act passed in the forty first year of the Reign of His Majesty George the Third, intituled *An Act for the further and better support of the Poor in the City of Saint John*, is hereby repealed.

16th VICTORIA—CHAPTER 10.

An Act relating to the Public Debt of the City of Saint John.

Section.

1. What sum of public debt chargeable on west side of harbour. Residue, on what.
2. Rents of lands on west side, how applied.
3. Boundary of common lands on western side of harbour.
4. Application of City revenues on eastern side of harbour.

Section.

5. What Corporation may retain on west side.
6. On payment of public debt, how revenues applied
7. Costs of suit, how apportioned.
8. Trust Deed, when not to be used.
9. Carleton, when exempt from assessment.

Passed 14th April 1853.

WHEREAS a suit is now pending in the Court of Chancery in this Province, in which Her Majesty's Attorney General, by and at the relation of John C. Littlehale, Esquire, and others, of Carleton, in the City of Saint John, John M. Lauchlan of the same place, shipbuilder, James Stackhouse, Senior, of the same place, house joiner, Josiah Wetmore, Junior, of the same place, Esquire, and William C. Dunham of the same place, farmer, for and on behalf of themselves and all other the inhabitants of that part of the City of Saint John called Carleton, are the complainants; and the Mayor, Aldermen, and Commonalty of the City of Saint John, Hugh Johnston, John Robertson, Alfred Smithers, Thomas Merritt, William Wright, George Swinney, and Frederick A. Wiggins, are defendants: And whereas the objects for which the said suit was instituted have been arranged by and between the parties thereto, and by and between the Honorable Robert L. Hazen, the Solicitor of the said complainants, and the Honorable William B. Kinnear, the Solicitor for all the said defendants, excepting the defendant John Robertson, and by Duncan Robertson, Esquire, the Solicitor of the said defendant John Robertson, that the said suit shall be discontinued; and in order to give effect to the terms,—

Be it enacted, &c.—1. The sum of twenty thousand pounds, and no more, shall be and is hereby made a charge upon and payable out of the common lands on the west side of the Harbour of Saint John, as granted by the Charter of the City of Saint John, bearing date the eighteenth day of May in the year of our Lord one thousand seven hundred and eighty five; and the residue of the public debt of the said City of Saint John shall be and is hereby made a charge upon and payable out of

the common lands on the east side of the Harbour of the said City, as granted by the said Charter, and all other the real and personal estate of the said Mayor, Aldermen, and Commonalty of the City of Saint John, and all other the general revenue and income of the said Corporation, arising from any source whatever, except special grants of the Legislature and funds specially raised and appropriated by law.

2. The Chamberlain of the City shall keep a separate account of the rents, issues, and profits of the common lands of the west side of the harbour, which shall be rendered by him to the Common Council annually on the thirty first day of December, without any charge for the same; the said rents, issues, and profits of the said common lands on the west side of the harbour, after deducting the legal charges incident to the collection of the said rents, issues, and profits, and management of the said lands, shall be applied by the Common Council of the City to the payment of the interest half yearly of the said sum of twenty thousand pounds, or so much thereof as may remain due, at such rate, not exceeding six per cent. per annum, as shall be paid on the remainder of the said public debt; and the residue of such rents, issues, and profits shall be applied by the Common Council of the City to the sole improvement, benefit and advantage of that part of the City lying on the west side of the said harbour, and of the inhabitants thereof, for ever; provided always, that no appropriation of the residue of such rents, issues, and profits of the said common lands on the west side of the harbour, or of any part thereof, and no order or act of the Common Council for laying out, leasing, or otherwise disposing of any of the said common lands on the west side of the harbour not yet laid out, shall be binding or valid, unless made with the assent of not less than three Members of the Common Council, and representing Wards on the west side of the harbour.

3. The common lands on the west side of the harbour shall extend to the present line of low water mark, and the Common Council of the said City are hereby required, within six months after the passing of this Act, to establish and define by actual survey such line, as the line of low water mark, by such metes, bounds, and marks as shall be most effectual for that purpose, and a just description of such line, and a plan thereof, shall be

filed in the office of the Common Clerk of the said City, and such line so established shall for ever after be the boundary of the common lands on the west side of the harbour.

4. The general revenues of the said City, and all other sources of income of the said Mayor, Aldermen, and Commonalty of the City of Saint John, and all rents, issues, and profits arising from the sale or other disposal of the said common lands on the east side of the harbour, or from their other real and personal estate, shall be applied as follows, viz:—To the payment of the salaries of the public officers of the said City as now established, and all requisite contingencies and expenses of management, and also all expenditures necessary to the maintaining and keeping in repair the public property of the City, and all other usual and proper exigencies of the public service, and after payment thereof, to the payment half yearly of the interest on the said residue of the said debt not charged on the west side of the said harbour; and the balance, after such payments, shall be applied in liquidation of that portion of the debt charged on the east side.

5. The Corporation shall have the right to retain and use, without any charge, such portion of the common lands on the west side, as may be necessary for ferry landings, coal sheds, and other public conveniences for the full accommodation and use of the ferries, and the public resorting thereto.

6. As soon as the public debt now due by the Corporation shall be paid off and satisfied, all their revenues affected by this Act shall be applied as directed by the Charter of the said City.

7. The sum of two hundred and fifty pounds shall be paid out of the general revenues of the City towards the costs, fees, and expenses incurred by the complainants in prosecuting said suit in Chancery, the balance to be paid out of the rents of the common lands on the west side; the costs, fees, and expenses incurred by the defendants in defending the said suit, shall be paid out of the rents of the common lands on the east side of the harbour and the general revenues.

8. In any action or suit brought or to be brought by the Mayor, Aldermen, and Commonalty of the City of Saint John, for any lands, tenements, or hereditaments to them granted by the Crown, or the rents, issues, and profits thereof, or upon any

covenant, condition, matter, or thing contained in any lease, grant, deed, or assurance by them made of any such lands, tenements, or hereditaments, no defendant or defendants other than the trustees or mortgagees, or their heirs or assigns, shall be permitted to set up or give in evidence a certain trust deed or mortgage bearing date the twentieth day of September in the year of our Lord one thousand eight hundred and forty two, and made between the said Mayor, Aldermen, and Commonalty of the City of Saint John, of the one part, and Hugh Johnston, John Robertson, Alfred Smithers, Thomas Merritt, and William Wright, of the other part, and registered in the Registry office of the City and County of Saint John on the twenty first day of September in the year of our Lord one thousand eight hundred and forty two, or any other deed or conveyance made and executed of the said lands or tenements, or any of them, by any party whatsoever to the said trustees, or either of them, to bar the right of recovery or to defeat the title of the said Mayor, Aldermen, and Commonalty of the City of Saint John, their successors or assigns, in any such action or suit, any law or custom to the contrary notwithstanding.

9. Nothing in the Act made and passed in the ninth year of Her present Majesty's Reign, intituled *An Act relating to the Public Debt of the Corporation of the City of Saint John*, shall be held or taken to authorize any assessment upon the inhabitants of Carleton, on the west side of the harbour, unless for the purpose of making good any deficiency which may arise in the payment of the interest made chargeable on the west side by the provisions of this Act.

16th VICTORIA—CHAPTER 11.

An Act for the division of King's Ward, in the City of Saint John, into two separate Wards.

Section.

1. Wellington Ward erected.
2. With what powers.
3. Election of Officers for, time when.

Section.

4. Tenure of office by Officers of Wellington Ward.
5. Common Council, of what composed.

Passed 14th April 1853.

WHEREAS from the great extent of the present Ward in the City of Saint John, called King's Ward, and from the increase in the number of the residents therein, it is necessary and

expedient that the same should be divided into two separate Wards;—

Be it therefore enacted, &c.—1. All that part of King's Ward, in the City of Saint John, which lies to the eastward of a line drawn from a point formed by the intersection of lines drawn through the centre of Union Street and the continuation of a line drawn through the centre of Charlotte Street northwardly through the centre of Coburg Street and the centre of Garden Street to the City line, is hereby erected into a Ward of the said City, separate and distinct from King's Ward, and shall be called and known by the name of "Wellington Ward;" and the residue thereof which lies to the westward of the said line shall comprise King's Ward.

2. The said new Ward shall be entitled to elect and choose one Alderman and one Councillor, who shall be members of the Common Council of the said City, and one Constable for the said Ward, who shall hold their offices respectively for the same term, and have all the powers and be subject to all the duties of the like offices of any other Ward in the said City.

3. The first election of the officers for the said Ward shall be held on the third Tuesday in May next succeeding the passing of this Act; and the annual election of officers for the said Ward in all succeeding years shall be held on the first Tuesday in April in each and every year, in the same manner and under the same provisions, and the candidates shall have the like qualifications as are now in force, or shall hereafter be in force or required in respect of the elections of the like officers for any other Ward of the said City, by the Charter of the said City, or any Act of Assembly or bye law of the Corporation in that behalf made; and in case of any vacancy occurring in any of the said offices, under any Act of Assembly now or hereafter to be made, or under the provisions of the Charter of the said City, such vacancy shall be filled up in the like manner as a vacancy occurring in any other Ward in the said City would be filled up under the provisions of the Charter of the said City, or any Act of Assembly or bye law of the said City now in force or hereafter to be made relating thereto.

4. The officers elected for the present King's Ward on the first Tuesday in April in this present year, shall hold office for the said Ward as now defined, until the officers for said

Wellington Ward shall be elected and sworn; and the said officers for said Wellington Ward, when elected, shall be sworn before the Common Council on the fourth Tuesday in May next, after which time the officers elected for King's Ward shall represent the same as defined by this Act.

5. From and after the election of the said Alderman and Councillor for the said Ward, the Mayor or Recorder, with four or more Aldermen and four or more Councillors of the said City, in place of the Mayor or Recorder, with three or more Aldermen and three or more Councillors of the said City, shall be the Common Council of the said City, as provided by the said Charter and the Acts of Assembly in amendment thereof.

16th VICTORIA—CHAPTER 37.

An Act to amend the Charter of the City of Saint John, and certain Acts of Assembly relating to the local Government of the said City.

Section.

1. Sundry laws repealed.
2. Election of Mayor, &c.
3. Qualification of voters, &c.; list of free-men, &c.
4. Qualification of Mayor and Aldermen.
5. What shall disqualify.
6. Votes of Electors, how given.
7. Election, before whom conducted.
8. Notice of holding Elections.
9. Commissioners, how sworn.
10. Poll Clerks, how appointed.
11. Mayor, &c., how nominated, &c.
12. Commissioner to sort. &c. votes.
13. Poll Clerk, what to enter on list.
14. Votes to be by ballot.
15. Ballot ticket, what to contain.
16. Ballot, how delivered; penalty.
17. Commissioner's duty on receiving.
18. What ballots shall be rejected.
19. Opening box and counting.
20. Duration of poll; books, &c., to whom delivered.
21. When new election.

Section.

22. Penalty for illegal voting.
23. Repeal of part.
24. False swearing, what to be guilty of.
25. Commissioner to be also a Justice at election.
26. Aldermen, &c., when to be sworn in.
27. Mayor, when and before whom sworn in.
28. Penalty for refusing office of Mayor, &c.
29. Extraordinary vacancies of office, how election conducted.
30. Special vacancies, by whom declared.
31. Assessments for roads, &c., by whom directed, &c.
32. Commissioners of streets, how appointed.
33. Chamberlain to keep separate Accounts of road moneys for each side of harbour.
34. Commissioners, what lists to deliver Assessors.
35. Names of persons in employ of party, &c., when to be delivered; penalty.
36. Bye laws for elections may be made.
37. Certain elections, &c., valid.
38. Bye laws, when and to whom transmitted.

Passed 3rd May 1853.

Be it enacted, &c.—1. So much of the Charter of the City of Saint John as is inconsistent with or contrary to the provisions of this Act, and also a bye law of the Corporation of the said City passed on the twenty fifth day of February one thousand eight hundred and fifty, intituled *A Law to regulate the Elections of Aldermen, Councillors, and Constables in the City of Saint John*; and also the following parts of Acts of

Assembly, that is to say:—The third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, and fourteenth Sections of an Act passed in the third year of the Reign of King William the Fourth, intituled *An Act for more effectually repairing the Streets and Bridges of the City of Saint John*; the first, second, sixth, and ninth Sections of an Act passed in the sixth year of the Reign of Queen Victoria, intituled *An Act for the amendment of the Charter of the City of Saint John*; the second, third, fourth, fifth, twenty first, twenty second, twenty third, twenty fifth, and thirtieth Sections of an Act passed in the twelfth year of the same Reign, intituled *An Act in further amendment of the Charter of the City of Saint John*; the ninth, tenth, and twenty first Sections of an Act passed in the thirteenth year of the same Reign, being a local Act, intituled *An Act relating to the Police Force established in the City of Saint John, and to provide for the relief of Debtors confined in the Gaol of the said City for small sums, and making provision for the levying and collecting of assessments in the said City, and other purposes*, are hereby repealed; save and except so far, however, as relates to any appointment, election, bye law, ordinance, rule, regulation, rate, tax, act, deed, matter, action, suit, proceeding, or thing heretofore had, done, passed, or made, or now pending, in progress, and undetermined, under and by virtue of the same or either of them, which shall remain in full force, and be respectively observed and fulfilled, proceeded with and determined, unless as is hereinafter otherwise directed, in the same manner and to the same effect and purpose as if the said parts of the said Charter and Acts had not been repealed.

2. There shall be elected annually by the freemen and freeholders of the said City on the first Tuesday in April after the present year, for each respective Ward, one Alderman, one Councillor, and one Constable, as heretofore; and the said Alderman, Councillor, and Constable shall have all the powers, and be subject to all the duties of their respective offices, as provided by the Charter, or any Act of Assembly, or any bye law of the Corporation; and on the first Tuesday in May annually in every future year the said freemen and freeholders shall elect the Mayor of the said City.

3. No person shall be qualified to vote at any such election

for Mayor, Alderman, Councillor, or Constable, unless he be at the time of the election a British subject, and also a freeman and inhabitant, or a freeholder of the City; and no person shall be qualified to vote as a freeman unless he shall have been a registered freeman at least three calendar months before the day of the election, and shall have actually resided in the City for one calendar month next preceding such election; and no person shall be qualified to vote as a freeholder unless he shall have been assessed on real estate at the last general assessment of City rates preceding such election; and the Common Clerk of the said City do, at least six days before the day of election, prepare alphabetical lists of the freemen of the said City, to be taken from the records of City freemen, and of all persons assessed on real estate, to be taken from the last general assessment list filed in the Common Clerk's office, and furnish copies of the same to the Commissioners appointed to hold the election, at least twenty four hours before the time appointed for holding the same, which list shall be open for public inspection at the Common Clerk's office for six days previous, during which time any person having been assessed as aforesaid, and whose name may have been omitted, shall upon satisfactory proof of the same rendered in writing to the Common Clerk, have his name inserted thereon; which said lists, so furnished, shall be for all the purposes of accepting or refusing the ballot of any person wishing to cast the same, a register of voters; provided always, that any person entitled to real estate by descent or devise, whose title may have accrued not less than three calendar months before the day of election, may have his name entered upon such list although he may not have been rated, on producing proof to the satisfaction of the Common Clerk, of his being entitled to be entered on the list under this proviso; and no person whosoever, whether freeman or freeholder, shall be entitled to vote unless he shall have paid previous to the day of election all rates, taxes, and assessments imposed on him during the year next preceding the election.

4. No person shall be qualified to be elected Mayor or Alderman, unless in addition to the qualifications necessary to a voter, he shall at the time of his election be possessed, as owner thereof, of real or personal property, or both together, within the said City, over and above all incumbrances whatsoever, to the extent of at least two hundred and fifty pounds.

5. No person shall be qualified to be elected, or to be or sit as Mayor, Alderman, or Councillor during such time as he shall hold any office or place of profit in the gift or disposal of the Common Council, the emoluments of which are paid out of the funds of the City, or during such time as he shall have directly or indirectly, by himself or partner, any share or interest in any contract or employment with, by, or on behalf of the Corporation; provided such disqualification shall not arise from any person being a shareholder in any Corporate Company having a contract with the Corporation, or any share or interest in any lease, sale, or purchase of Corporation lands, tenements, or hereditaments, or any agreement for any such lease, or for the loan of money; and no Mayor, Alderman, or Councillor shall receive into his hands any moneys for or on account of any contract, work, or employment made, done, or performed, by or on behalf of, or by direction of the said Corporation, but all moneys due by the Corporation on any such account, shall be paid by the Chamberlain of the City to the person or persons who shall actually have done such work, and shall be entitled to such moneys by, under, or for such contract, work, or employment.

6. In respect of any election for Mayor, Alderman, Councillor, or Constable, the following regulations shall be observed, viz:—Each elector, if voting as a freeman, shall give his vote in the Ward wherein he resides; and if voting as a freeholder, shall give his vote in any Ward where such freehold is situate.

7. The election shall be conducted in each Ward before a Commissioner, not being a member of the Common Council, to be appointed for each Ward by the Sheriff, Recorder, and Common Clerk, or any two of them, at least six days before the day of election; and in case of the death, illness, absence, or refusal to act, or resignation of any such Commissioner, another or others may be appointed in like manner at any time previous to the election which such Commissioner may be appointed to hold, in the stead of such Commissioner; and in case of any election to supply any vacancy, such election shall be held on a day to be appointed by the Recorder or by the Common Clerk, and by a Commissioner to be appointed as hereinbefore provided.

8. Of the time and place of holding every election respec-

tively, and of the names of the respective Commissioners so to be appointed for holding elections, public notice shall be given by and under the hand of the Recorder or Common Clerk, by publishing such notice in one of the Newspapers published in the City, or by handbills posted up in the respective Wards, at least six days immediately preceding the day for holding such election.

9. Each Commissioner, before entering upon his duties, shall be sworn before a Justice of the Peace to the faithful discharge thereof.

10. The Commissioner at each poll shall appoint a Poll Clerk, who shall be sworn before such Commissioner to the faithful discharge of his duties.

11. Every candidate for the office of Mayor, Alderman, Councillor, or Constable, shall be nominated by two qualified electors, who shall subscribe a declaration of such nomination, and file the same in the Common Clerk's office at least twenty four hours before the commencement of the election, and no vote shall be counted except those given for one or some of the persons so nominated; [remainder repealed by 17 V. c. 7, s. 6.]

12. The Commissioner in each Ward respectively, shall receive, sort, count, and declare all the votes in the Ward.

13. The Poll Clerk shall enter on a poll list the name of each elector voting, and any other fact the Commissioner may require him to note down.

14. The votes shall be given at the elections by ballot.

15. The ballot shall be a paper ticket, which shall contain in writing or printing, or partly written and partly printed, the name or names of the person or persons for whom the elector intends to vote, and the office he is intended to fill.

16. Each voter shall deliver his ballot, folded up, to the Commissioner, [the words omitted are repealed by 17 V. c. 7, s. 5,] a tax receipt, signed by the collector of taxes in the City, who is hereby required to furnish the same on demand, under the penalty of five pounds for each refusal, stating that the person therein named has paid all rates, taxes, and assessments imposed on him during the year then next preceding, and no ballot shall be received by the Commissioner without such receipt.

17. The Commissioner shall ascertain that the ballot is

single, without reading it, and then shall deposit it without delay in a ballot box, and should he discover the same not to be single, the ballot shall be immediately rejected, and the party who tendered the same be deprived of his right of voting at that election.

18. No ballot shall contain more names than there are persons to be chosen in office; if in sorting the votes it shall be found that a ballot is double, or that two or more ballots are enclosed in the same cover, or if the name of the same person be more than once entered for the same office on the same ballot, or if any ballot contain more names than legal, all such ballots shall be rejected.

19. The box shall be opened and the ballots counted by the Commissioner in the presence of the candidates, if they choose to attend.

20. The poll for the Mayor or Aldermen, Councillors or Constables, shall be opened in each Ward at eight o'clock in the forenoon, and shall continue open till four o'clock in the afternoon of the same day; and the name of each elector voting shall be written in poll books to be kept at such election by the Poll Clerks; and immediately after the final close of the poll, all the votes given in the Ward shall be sorted, counted, and publicly declared by the Commissioner, and in making such declaration and record the whole number of votes or ballots given in shall be distinctly stated, together with the name of every person voted for, and the number of votes given for each person respectively, and for what office; and the Commissioner shall close and seal the poll book, [the words omitted are repealed by 17 V. c. 7, s. 5,] and deposit the same so enclosed and sealed with the Common Clerk, before ten o'clock in the morning of the next day, to be by him laid before the Common Council at their first meeting thereafter; and the said poll book shall then be opened, and the Common Council shall examine all the returns from the respective Wards, and shall declare the persons having the majority of votes to be duly elected.

21. In case there shall be an equal number of votes polled for two or more persons, a new election shall be held in respect of such persons, to determine the same.

22. Any person knowingly or wilfully voting when not

entitled to vote ; any person fraudulently putting in more than one ballot when voting, or voting in an assumed name ; and any person who shall vote oftener than he is entitled to, shall pay a fine of two pounds.

23. [Part repealed by 17 V. c. 7, s. 4.]—And whenever a vote shall be so sworn, the Poll Clerk shall mark “sworn” opposite his name in the poll list.

24. If any person shall knowingly swear falsely, he shall be guilty of perjury, and subject to the penalties thereof.

25. The Commissioner shall have, for the purposes of the election, and during the time of holding the same, all the power and authority of a Justice of the Peace.

26. The respective Aldermen, Councillors, or Constables, duly elected, shall be sworn into office on the third Tuesday in April in every year, as provided by the Charter.

27. The Mayor shall be sworn into office before the Recorder or Common Clerk, as soon as conveniently may be after his election shall be declared by the Common Council, and shall continue in office until he resign or die, or become disqualified as before mentioned, or another shall be duly elected and sworn in his stead.

28. Every person duly qualified, who shall be elected to the office of Mayor or Alderman, shall accept the office or forfeit to the Corporation the sum of twenty five pounds.

29. If an extraordinary vacancy occur in the office of Mayor, Alderman, or Councillor, an election for such vacancy shall be ordered and conducted in all respects in the same manner as ordinary elections under this Act.

30. All special vacancies of office from death, disqualification, resignation, or other cause, shall be declared by the Resolution of Common Council, before proceeding to fill up the vacancy.

31. The Common Council of the said City are hereby authorized and required once in every year in the month of April, including the present year, to determine and direct what sum of money, not exceeding two thousand pounds in any one year, shall be raised and levied in the said City for the purpose of repairing, altering, and maintaining the streets, squares, bridges, and highways in the said City, and shall make a rate and assessment upon the said City of such sum

in the present year, and in each and every succeeding year, besides the charges and expenses of assessing and collecting, and shall direct their warrant for such purpose to the Assessors of taxes in the said City, [part here omitted repealed by 17 V. c. 5, s. 1,] and shall be levied, collected, and paid in the same manner as any County rates for public charges can or may be levied, collected, and paid under and by virtue of any laws which at the time of making such assessments may be in force for assessing, levying, and collecting of rates for public charges; and when collected, shall be paid into the hands of the Chamberlain of the City, for the purposes of repairing, altering, and maintaining the streets, squares, bridges, and highways in the City of Saint John, and for no other use or purpose whatsoever.

32. The Common Council may appoint from time to time, and remove at pleasure, one or more Commissioners of Streets for the said City or any district thereof, and by any bye laws, orders, regulations, or resolutions of the Common Council, may direct and appoint the times, places, districts, and mode of exercising the duties required of such Commissioner or Commissioners.

33. The Chamberlain shall keep separate and distinct Accounts for each side of the harbour, of all moneys received by him in respect of such assessments, and shall apply and appropriate the same from time to time upon the orders of the Common Council, and as they shall direct, for the purposes of this Act; and the amount raised on either side of the harbour shall be expended for the separate and exclusive benefit of that side; and the Chamberlain shall in each and every year make out full, complete, and detailed Accounts, under oath to be taken before a Justice of the Peace, made up to the thirty first day of December, with vouchers, of all moneys received and paid by him on these accounts, and shall without delay thereafter file such accounts and vouchers in the Common Clerk's office.

34. Every such Commissioner of Streets when thereunto required by the Common Council, shall make out and deliver to the Assessors a list or lists of all persons in his district liable to be assessed for streets under this Act, which list or lists shall be filed in the Common Clerk's office by the Asses-

sors, together with their assessment list, so soon as the same shall be made.

35. Any person when called upon by any Commissioner of Streets, or by any other person appointed by the Common Council to assist such Commissioner in this behalf, shall within twenty four hours give and render to such Commissioner or other person as aforesaid, a particular account and statement in writing, containing the names of all persons who may be in his or her employ, or who may be resident in the house kept or occupied by him or her, and who may be liable to be assessed for streets ; such statement to contain not only the names of persons belonging to his or her family, but also the names of any boarders, lodgers, or domestic servants, who may be liable as aforesaid ; and if any person shall neglect or refuse to render such account or statement, he shall forfeit and pay the sum of five pounds, to be sued for and recovered in the name of the Chamberlain, in the like manner and with the like effect as any penalty imposed by any law of the City may be sued for and recovered.

36. The Common Council are authorized to make such bye laws as may be necessary for perfecting the conducting of the Elections by ballot in accordance with the intention of this Act.

37. Nothing in this Act contained shall affect the election of the Mayor of the City of Saint John for the present year, which shall take place as if this Act had not been passed, in all respects as directed by an Act in further amendment of the Charter of the City of Saint John, passed in the twelfth year of Her present Majesty's Reign ; and provided that the assessment under the thirty first Section of this Act may be directed for the present year at any time before the twentieth day of May ; and nothing in this Act contained shall be held to apply to the election to be held in Wellington Ward for the present year ; and in case any Mayor, Alderman, Councillor, or Constable shall die, remove from the City, or resign his office, or in case of any vacancy occurring either by the election of any Alderman or Councillor to the office of Mayor, or in any other manner, before the first Tuesday in April next, the election for supplying such vacancy shall be held and conducted in every respect as if this Act had not been passed.

38. Every bye law or ordinance made by the Corporation

shall be forthwith transmitted to the Lieutenant Governor, who by and with the advice of the Executive Council, shall within three months from the receipt thereof disallow or confirm the same, and all bye laws and ordinances shall be in force until such disallowance shall be transmitted to and received by the Common Clerk.

16th VICTORIA—CHAPTER 38.

An Act to amend an Act for the division of King's Ward, in the City of Saint John, into two separate Wards.

Section 1.—Dividing line of King's and Wellington Wards.

Passed 3rd May 1853.

Be it enacted, &c.—1. The point described in the first Section of an Act passed at the present Session of the Legislature, intituled *An Act for the division of King's Ward, in the City of Saint John, into two separate Wards*, shall be formed by lines drawn through the centre of King and Charlotte Streets in the said City, instead of Union Street, and a continuation of Charlotte Street, as described in the said Act; and the line running from said point shall run northwardly through the centre of Charlotte, Coburg, and Garden Streets, to the City line, any thing in the said Act to the contrary notwithstanding.

17th VICTORIA—CHAPTER 5.

An Act relating to the repair of Streets in the City of Saint John.

Section.

1. Manner of raising and levying assessments. Rates to be separate, and limited in amount.
2. Joint Stock Corporation property to be rateable.

Section.

3. Houses to be numbered and names of Streets affixed.
4. Penalty for defacing numbers or names.

Passed 20th March 1854.

WHEREAS it is expedient to alter the Law relating to the Assessments for repairing Streets in the City of Saint John;—

Be it therefore enacted, &c.—1. In lieu of the mode of assessment directed by the thirty first Section of an Act made and passed in the sixteenth year of the Reign of Her present Majesty, intituled *An Act to amend the Charter of the City of*

Saint John, and certain Acts of Assembly relating to the local government of the said City, the sum required to be raised and levied in any year shall in future be assessed by a rate of three shillings and nine pence upon the poll of all male inhabitants of the said City of the age of eighteen years and upwards, not being paupers, and the residue by a just and equal proportion upon the real estate situate in the said City, and upon the personal estate and incomes of all inhabitants of the said City. And there shall be a separate rate and assessment for the east and west sides of the harbour respectively; the sum to be assessed on the east side not to exceed in any one year the sum of two thousand pounds, and the sum to be assessed on the west side not to exceed in any one year the sum of five hundred pounds; and separate Warrants shall be issued accordingly; the amount raised on each side to be expended by the Common Council on that side, and separate accounts to be kept by the Chamberlain.

2. The real and personal estate of all joint stock Corporations shall be liable to assessment under this Act, excepting nevertheless from such assessments the property of the Corporation of the City of Saint John, and of any Literary or Charitable Corporation or Institution.

3. The Mayor, Aldermen, and Commonalty of the City of Saint John are authorized to number the lots, or buildings, or houses, in the City of Saint John, and to affix the names of the several streets on any building or erection on or near to the corner of such street, as they may deem necessary; and for such purposes are hereby authorized by themselves, their servants or agents, to enter upon any dwelling house, property, or premises in the said City, (doing as little damage as need be to the owners and occupiers thereof,) and to place, affix, and mark thereon such names or numbers as may be required; provided always, that nothing herein contained shall apply to that part of the said City lying on the western side of the harbour.

4. Any person who shall remove, deface, or destroy any number or name affixed under the provisions of this Act, shall be fined in any sum not exceeding five pounds, to be recovered, levied, and applied as any penalty imposed under an Act in further amendment of the Charter of the City of Saint John,

passed in the twelfth year of the Reign of Her present Majesty; and in default of payment thereof, any offender or offenders shall be dealt with and imprisoned as provided by the said Act.

17th VICTORIA—CHAPTER 6.

An Act relating to the Fire Department of the City of Saint John.

Section.

1. Limited rate to be annually made.

Section.

2. Additional privileges granted to certain members.

Passed 20th March 1854.

Be it enacted, &c.—1. In lieu of the mode of assessment for the Fire Department of the said City, directed to be made by the second Section of an Act passed in the fifteenth year of the Reign of Her present Majesty, intituled *An Act to continue and amend an Act intituled 'An Act for the better extinguishing of Fires which may happen in the City of Saint John,'* the said rate and assessment shall in future be made as follows:—The Common Council shall, in the month of April in each year, including the present year, make a rate and assessment on the east side of the harbour, not exceeding in any one year the sum of one thousand pounds, and a separate rate and assessment on the west side of the harbour, not exceeding in any one year the sum of five hundred pounds, besides the charges of assessing and collecting, for the purpose of the said fire department, and preserving the same in an efficient state; the said sums to be assessed, levied, collected, and paid in such proportions and in the same manner as any County rates or taxes can or may be assessed, levied, collected, or paid, and when collected shall be paid to the Chamberlain of the City for the purposes of this Act; and the said Chamberlain, who shall disburse the same on the order of the Common Council, shall keep and render separate accounts of the same.

2. All persons who have been members of the said fire department, and shall have been relieved from their service therein by reason of their long services, shall, in addition to the privileges now allowed them by law, be also relieved from serving on any Jury in the City and County of Saint John.

17th VICTORIA—CHAPTER 7.

An Act relating to Elections of City Officers in the City of Saint John.

Section.

1. Residence not a necessary qualification.
2. Constables to assist the Commissioners and be paid.
3. Voter to state the capacity he votes under.
4. Oath of voters for Mayor.

Section.

5. Tax receipt to be produced, but not delivered as in 16 V. c. 37.
6. Posting of names of candidates for office of Mayor, Alderman, or Constable.

Passed 20th March 1854.

Be it enacted, &c.—1. Any person being otherwise duly qualified may be elected Alderman or Councillor for any Ward in the said City, notwithstanding such person may not be a resident in the Ward for which he may be so elected.

2. The constables of the respective Wards are hereby required to attend at the time and place appointed for holding any election in the respective Wards, and shall remain during the continuance of the election, and shall obey the orders of and assist the Commissioner in preserving order, and shall be paid therefor at and after the rate of seven shillings and six pence per diem, and in case such constable shall refuse, neglect, or omit to attend or remain as aforesaid, or to obey the orders of the Commissioner, he shall pay a fine of forty shillings.

3. Every person presenting himself to vote at any election shall state whether he claims to vote as a freeman or freeholder, and if as freeman, the Ward in which he resides, and if as freeholder, the Ward in which his freehold is situate, and these particulars shall be entered in the poll book.

4. At any election for Mayor, the oath to be taken by voters shall be as follows, instead of the oath prescribed by the twenty third Section of an Act made and passed in the sixteenth year of the Reign of Her present Majesty, intituled *An Act to amend the Charter of the City of Saint John, and certain Acts of Assembly relating to the local government of the said City*, namely,—‘I do swear that I am a British subject, that I am ‘qualified by law to vote in this Ward at this Election for ‘Mayor, and have not before voted at the Election this day for ‘Mayor.—So help me God.’

5. So much of the sixteenth Section of the said last recited Act as requires the tax receipt therein mentioned to be delivered to the Commissioner, is hereby repealed; and in lieu thereof, every freeman before he shall be allowed to deliver his ballot,

shall produce and shew to the Commissioners a tax receipt to the effect described in the said Section, which may be signed by the Collector of taxes or his Deputy; and so much of the twentieth Section of the said Act as requires the tax receipts to be sealed up, is also repealed.

6. So much of the eleventh Section of the said Act as requires the names of all the candidates nominated for each office to be posted up in each Ward, is repealed; and in lieu thereof, the names of all candidates for the office of Mayor, at the election for Mayor, and the names of all candidates in each Ward respectively for the office of Alderman, Councillor, or Constable, shall be posted up at the polling places in each Ward at the time of the election for each Ward of the said officers.

17th VICTORIA—CHAPTER 37.

An Act to amend the Act relating to Highways, so far as relates to the Parish of Portland, in the City and County of Saint John.

Section.

1. Commissioner for Portland, by whom appointed; his powers, &c.
2. Commissioner's duty.

Section.

3. His duty as to making record.
4. Provisions of former Act applicable to Portland.

Passed 1st May 1854.

Be it enacted, &c.—1. From and after the passing of this Act, the Justices of the Peace for the City and County of Saint John, at any General Sessions shall, instead of Commissioners of Highways, appoint only one Commissioner of Highways in and for the Parish of Portland, which Commissioner shall have all the powers and authorities, and shall be required to perform all the duties which the Commissioners of Highways now have or are required to perform, and shall be entitled to receive out of the moneys collected from the inhabitants of the said Parish, for the faithful performance of his duty as Commissioner, the sum of ten shillings per day for each and every day that his services may be required in attending to the duties of his office, not however to exceed in any one year the number of eighty days.

2. The Commissioner of Highways for the Parish aforesaid shall make out a list of the inhabitants of the said Parish in the same manner as the Commissioners are now required to do,

and assess the number of days work to be performed by each person, and shall add to the list the amount which the number of days would come to in money from each person, at and after the rate of two shillings and six pence per day, which amount each and every such person shall be required to pay instead of performing labour on the highways; which list shall be handed to the Collector of taxes in and for the said Parish, who shall proceed forthwith to collect the sum assessed upon each of the inhabitants as aforesaid, and when collected, shall pay the same into one of the Banks in the City of Saint John to be named by the Justices of the Peace in the Parish of Portland, to the credit of the Justices of the Peace for the said Parish, as a Road fund, and shall be drawn by check, signed by not less than three of the said Justices, upon the application in writing of the Commissioner, setting forth that the sum applied for is required to pay for work done and performed on the highways; and if any person shall refuse to pay the sum added to the list aforesaid to be paid in money, the same shall be recovered by action of debt, in the name of the Commissioner, before the Police Magistrate for the said Parish, and when recovered shall, together with the costs, be paid by him into the Bank to credit of the Justices of Portland, on account of the Road fund.

3. It shall be the duty of the Commissioner of Highways in the said Parish of Portland to make a record of all the Streets in the said Parish which are of the full width of fifty feet, and upon which any of the inhabitants actually reside, and hand such record to the Clerk of the Peace for the City and County of Saint John, in order that all Her Majesty's subjects in the said Parish may have the benefit of the work done to improve the roads and streets in the said Parish.

4. All the provisions of the Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act relating to Highways*, except so far as the same are altered by this Act, are declared to be in full force so far as the same are applicable to the Parish of Portland.

17th VICTORIA—CHAPTER 39.

An Act relating to the Public Debt of the City of Saint John.

Section.

1. Corporation of Saint John may issue new Bonds
2. Effect of such Bonds on the Estate.
3. Memorandum to be made on Bond.

Section.

4. Restriction as to new Bonds.
5. Negotiating Loan for western side.
6. Old Bonds how disposed of.

Passed 1st May 1854.

Be it enacted, &c.—1. The Mayor, Aldermen, and Commonalty of the City of Saint John are hereby authorized, notwithstanding any law to the contrary now in force, to issue new bonds or debentures to any holder or assignee of any bond, note, or evidence of debt which was secured by, mentioned, or contained in a certain trust deed bearing date the twentieth day of September in the year of our Lord one thousand eight hundred and forty two, upon such terms in regard to the rate of interest, date of payment, or otherwise, as may be agreed upon between the Corporation and the holders of such bonds, notes, or evidence of debt, such rate of interest not to exceed six per cent.

2. Such new bonds shall be held and taken in all Courts of Law or Equity as secured and charged upon the estate, real and personal, of the said Corporation, to the same extent in every respect as the said bonds, notes, or securities for which they may be taken in substitution.

3. Any new bonds issued under the provisions of this Act shall express and declare, by a memorandum to be made upon the face thereof, the date, amount, and name of the obligee or person in the bond or security, in substitution of which such new bond or debenture may be issued.

4. Nothing herein contained shall authorize the Corporation of the said City to increase the present debt of the said City, or to issue any bonds or securities for money in any manner or for any other purpose than is herein contained.

5. The Mayor, Aldermen, and Commonalty of the City of Saint John, are hereby authorized to negotiate such loan of money as may be necessary to pay off that part of the debt of the City of Saint John, and interest, payable by and secured on the lands of the western side of the harbour, on such terms as may from time to time be agreed on by the said Common

Council, any law to the contrary at present existing notwithstanding.

6. Any old bonds delivered up under this Act shall be lodged with the Chamberlain, and shall be destroyed by him on an order of the Common Council to be entered in the Minutes for that purpose, such order shewing the dates, amounts, obligees, and holders of such bonds, to be destroyed, and the dates, amounts, and obligees of the new bonds given in substitution thereof under this Act.

17th VICTORIA—CHAPTER 40.

An Act to authorize the Justices of the Peace for the City and County of Saint John to levy an assessment for the erection of a Dead House for the said City and County.

Section.

1. Deal House, by whose authority to be erected.

Section.

2. Assessment, and payment therefor.

Passed 1st May 1854.

Be it enacted, &c.—1. The Justices of the Peace for the City and County of Saint John are hereby authorized to contract and agree for the erection of a Dead House for the use of the City and County of Saint John, on the vacant space of ground to the westward of the gaol of the City and County, in the said City, or on any other suitable site in the vicinity of the said gaol.

2. For the purpose of paying for the erection of the said building, the Justices of the Peace of the said City and County, at any General Sessions of the Peace to be hereafter holden, or at any Special Sessions of the Peace to be for that purpose convened, be and they are hereby authorized and empowered to make such rate and assessment of any sum not exceeding five hundred pounds, as they in their discretion may think necessary; the same to be assessed, levied, collected, and paid agreeably to, and under and by virtue of any Acts of the General Assembly of this Province in force for assessing, levying, and collecting County rates.

17th VICTORIA—CHAPTER 62.

An Act in addition to an Act intituled *An Act to provide for the erection and making of certain Wharves and improvements in the Harbour of Saint John.*

Section.

1. Powers of Corporation to increase Wharves.
2. Corporation authorized to borrow moneys.
3. Debentures, how negotiable.

Section.

4. Moneys, how to be paid, and duty of Chamberlain.
5. Common Council to assess east side of harbour.
6. Moneys, how applied.

Passed 1st May 1854.

WHEREAS under the authority of an Act made and passed in the fifteenth year of the Reign of Her present Majesty, intituled *An Act to provide for the erection and making of certain Wharves and improvements in the Harbour of Saint John*, the Mayor, Aldermen, and Commonalty of the City of Saint John are proceeding with the erection of piers, wharves, and slips, at or near Reed's Point, for the accommodation of sea-going Steamers: And whereas the increase of trade and shipping at the Port of Saint John demands an increase of wharf accommodation, and it is expedient to authorize the Common Council of the City to raise a further sum of money in addition to the sum authorized by the said Act, for the purpose of completing the present works and enlarging and extending the same;—

Be it therefore enacted, &c.—1. It shall be lawful for the said Corporation to contract for the erection, at or near Reed's Point, of such additional wharves, piers, and slips, and on such plan and mode of construction as they may deem expedient, for such sums of money as may be necessary, not exceeding in the whole the sum of three thousand pounds in addition to the sum now authorized by the said Act.

2. The said Mayor, Aldermen, and Commonalty are authorized to borrow such sum as may be required for the purposes of this Act, not exceeding in the whole the sum of three thousand pounds, in loans of not less than one hundred pounds each, and Debentures for the same shall be issued in the following form, or to that effect, and shall be delivered to the respective persons from whom the loans shall be obtained, viz:—

CITY OF SAINT JOHN.

Second Series, Number —

This certifies that hath lent to the Mayor, Aldermen, and Commonalty of the City of Saint John, the sum of pounds currency, which sum is payable to or order, together with interest at and after the rate of per cent. per annum, pursuant to an Act of Assembly made and passed in the seventeenth year of Her present Majesty's Reign, intituled *An Act in addition to an Act intituled 'An Act to provide for the erection and making of certain Wharves and improvements in the Harbour of Saint John.'*—Dated the day of , A. D. 185 .

[L. S.]

J. O. Mayor.

By order of the Common Council.

G. W. Common Clerk.

Which same debentures shall be sealed with the common seal of the said Corporation, and signed by the Mayor and Common Clerk, and shall be consecutively numbered as a second series according to the times at which the same shall be issued, and a record of the same shall be entered by the Clerk in the Minutes of the Common Council.

3. The said debentures shall be negotiable in the same manner as promissory notes, and the respective holders thereof shall be entitled to receive interest upon the same semi-annually, at a rate not exceeding six per cent. per annum, to be paid by the Chamberlain of the City out of the funds hereinafter provided.

4. All moneys loaned to the Corporation under this Act shall be paid by the lenders thereof to the Chamberlain, and shall be paid out by him to the Contractors or workmen who shall build the wharves and other erections now being made or to be made under this Act, on orders to be passed by the Common Council; and the Chamberlain shall render annually, and oftner if required, a true account of all moneys received and paid by him on this account, separate from his other accounts.

5. The Common Council are hereby authorized and required to make a rate or assessment on the east side of the harbour of the said City, of a sum not exceeding seven hundred pounds

in the present year, and of a like sum in each and every succeeding year, besides the charges of assessing and collecting, for the purpose of discharging the principal and interest of the loans contracted by virtue of this Act, until the same shall be paid off; the said several sums to be assessed, levied, collected, and paid in such proportions and in the same manner as any other County rates for public charges, and when collected shall be paid into the hands of the Chamberlain for the purposes of this Act.

6. The moneys so assessed shall from time to time be applied, after discharging the half yearly interest due on the several principal sums mentioned in such debentures, in payment of the said debentures in due order according to the numbers, beginning with the number one; and the Chamberlain shall, when and so often as he may be directed by the Common Council, give one calendar month's public notice by advertisement in one of the Newspapers of the City, for calling in such and so many of the debentures as the Common Council are prepared to pay off, specifying the number in such advertisement, and the same, by and under such orders aforesaid, shall pay off accordingly; and from and after the expiration of such notice, the interest on such debentures shall cease.

YORK.

45th GEORGE 3rd—CHAPTER 8.

An Act to regulate the Winter Roads in the Counties of York and Sunbury.

Section.

- 1, 2, 3. Repealed.
4. Working distances, how determined.
5. Repealed.
6. Penalty for cutting, &c. bushes, &c.
7. Penalty for not sending teams &c., and on Commissioners, &c. for neglect of duty; application and exception.

Section.

8. How far only compelled to go.
9. Penalty for neglect to labour on Nashwaak, &c.
10. Width of sleds on ditto; penalty for breach; recovery, &c.; exception.
11. Penalty for not travelling to and by what route.

Passed 5th March 1805.

1, 2, & 3. Repealed by 52 G. 3, c. 18.

4. The said Commissioners or the major part of them, shall and they are hereby required to agree and determine the distance upon the said river which is to be worked by their respective Towns or Parishes, and the Surveyors of Highways shall proceed to break the said winter roads agreeably to law.

5. Repealed by 52 G. 3, c. 18.

6. If any person shall wilfully cut, or take down, or destroy any of the bushes so to be erected, shall forfeit and pay the sum of thirty shillings upon conviction before any one of His Majesty's Justices of the Peace, upon the oath of one or more credible witness or witnesses, to be levied by warrant of distress and sale of the offender's goods, rendering the overplus (if any) after deducting the costs and charges, to the offender, to and for the use of the informer, and for want of such effects to levy on, the said offender or offenders shall be imprisoned for a time not less than six nor exceeding ten days.

7. Every inhabitant in the said Counties keeping a team, or any carriage whatever drawn by one or more horses, ox or oxen, shall be obliged, on being duly summoned, to send his team or carriage with a competent driver, to work in such manner as the said Surveyors shall direct; and on such person or persons neglecting or refusing to send his team or carriage and a good driver, or not performing such reasonable work as the said Surveyors shall direct, the owner of such team or carriage shall forfeit the sum of ten shillings; and every Commissioner or Surveyor who shall refuse or neglect to perform the duty enjoined and required by this Act, shall forfeit and pay for every such refusal or neglect the sum of three pounds;

the fines aforesaid to be recovered on complaint, with costs of suit, before any one of His Majesty's Justices of the Peace, and the forfeiture applied for repairing the highways, under the direction of the Commissioners, or the major part of them, of the Towns or Parishes where the said forfeiture shall accrue; provided always, that such person or persons keeping a pleasure sleigh or sleighs only, shall not be obliged by this Act to perform any other labour on the said winter roads, except to break the same when duly summoned so to do.

8. No person or persons summoned as aforesaid, shall be obliged to go further from their respective homes than three miles, or to work on the said winter roads more than four days in any one winter.

9. Whenever the Surveyors of Highways on the Rivers Nashwaak and Penniack, in the Parish of Saint Mary's and County of York, shall during the winter season deem the labour of men necessary, it shall and may be lawful for such Surveyors forthwith to summon such and so many of the inhabitants, with their shovels or such other proper implements as the said Surveyors or Surveyor shall direct, not exceeding four times in any one year, nor a greater distance than three miles from their own houses, and in case of refusal or neglect shall forfeit and pay for each and every offence the sum of three shillings, to be recovered with costs of suit in manner described in the seventh Section of this Act.

10. All sleds made use of for the purpose of transporting wood, hay, or other heavy materials to or from or in the settlements on the Rivers Nashwaak and Penniack aforesaid, and drawn by one horse or one ox, shall not be less or more than three feet eight inches from outside to outside of the runners thereof; and if any person or persons whatever shall make use of any single horse or ox sled as aforesaid of less dimensions, and be thereof convicted by the oath of one or more credible witness or witnesses before any one of His Majesty's Justices of the Peace, or on view of such Justice, shall forfeit and pay the sum of five shillings, the same to be recovered and applied in manner directed in the seventh Section of this Act; provided always, that nothing herein contained shall be construed to extend to any sled a man may use upon his own farm only, or to any pleasure sleigh whatever.

11. All persons travelling to the settlements on the Rivers Nashwaak or Penniack above the great Rapids so called, with sleds or sleighs drawn by one horse or one ox, shall at all times be obliged to travel on the highways as now laid out, on the westerly side of the said River Nashwaak, leading from the Moncton Ferry to the said settlements, under the penalty of ten shillings, to be recovered as aforesaid, all which forfeitures shall be paid to the person or persons prosecuting the same to conviction.

52nd GEORGE 3rd—CHAPTER 18.

An Act in amendment of an Act made and passed in the forty fifth year of His Majesty's Reign, intituled *An Act to regulate the Winter Roads in the Counties of York and Sunbury*.

Section.

1. What Sections of what Act repealed.
2. Commissioners' duty as to winter roads.

Section.

3. Roads, how laid out. What side travellers to take; penalty, recovery and application.
4. Former Act, how in force.

Passed 7th March 1812.

Be it enacted, &c.—1. The first, second, third, and fifth Sections of an Act made and passed in the forty fifth year of His Majesty's Reign, intituled *An Act to regulate the Winter Roads in the Counties of York and Sunbury*, be and the same are hereby repealed.

2. From and after the passing of this Act, the Commissioners of Highways, or either of them, for the time being, in the Parishes of Fredericton, Kingsclear, and Saint Mary's, in the County of York, and the Commissioners of Highways, or either of them, for the time being, in the several Towns and Parishes in the County of Sunbury, where the major part of such Commissioners shall think it necessary, shall yearly and every year order the Surveyors of Highways in their several districts, so soon as the ice shall be sufficiently strong to bear a team or teams, and immediately after the first fall of snow, to summon the inhabitants of the said Parishes to labour on the said winter roads by marking the same in lines as straight as may be, with one row of evergreen bushes, erected at distances not exceeding four rods from each other, and the said roads shall be marked on the River Saint John,

excepting from the usual landing place below the Town of Fredericton to the usual landing place above the said Town, where the road shall be marked upon the land through the front street of the Town plat.

3. The said Commissioners, or either of them, are hereby required to lay out the said winter roads on each side of, and within six feet from the said one row of bushes erected as aforesaid, and all persons travelling with their horses, cattle, sleds, and carriages of every denomination on the said roads, within the aforesaid limits, shall leave the said one row of bushes always on the left hand, under the penalty of ten shillings for each and every offence committed contrary to the true intent and meaning of this Act, to be recovered upon conviction before any one of His Majesty's Justices of the Peace, upon the oath of one or more credible witness or witnesses, and levied by warrant of distress and sale of the offender's goods, rendering the overplus (if any) after deducting the costs and charges, to the offender, to and for the use of the informer; and for want of such effects whereon to levy, the offender or offenders shall be imprisoned for a time not exceeding four days.

4. The said herein before recited Act, and every clause, matter, and thing therein contained, except wherein the same is hereby altered and repealed, shall be and continue in full force, any thing herein contained to the contrary in any wise notwithstanding.

56th GEORGE 3rd—CHAPTER 7.

An Act to provide for the purchase of a place for the residence and accommodation of the Governor or Commander in Chief of this Province.

Section.

1. Premises for Governor's residence, how conveyed.
2. Purchase money, how paid.
3. Deeds of the premises, effect thereof.

Section.

4. Premises, how to be held.
5. Repealed.
6. Act deemed public.

Passed 7th March 1816.

WHEREAS a negotiation has been entered into and concluded upon, by and between William Botsford, James Fraser, and John Allen, Esquires, a Committee of the House of Assembly, of the one part, and Colonel Harris William Hailes, the Agent

of His Excellency Lieutenant Governor Thomas Carleton, (who is now in England), and the Governor and Trustees of the College of New Brunswick, of the other part, for the purchase of the Mansion House commonly called and known by the name of the Government House, with the out houses and the lands adjacent thereto, bounded northeasterly on the River Saint John, southeasterly by the road at the upper end of the Town plat of Fredericton, in the County of York, southwesterly by the highway leading from Fredericton aforesaid into the country, and northwesterly by a line extending from the said highway to the said river, parallel to the said road, and being at the distance of forty three chains, of four poles each, and fifty links, measured along the said highway from the road aforesaid, and containing about fifty acres, now in the occupation of His Honor Major General George Stracey Smyth, the President and Commander in Chief of the Province, as a residence for, and the accommodation of the Governor or Commander in Chief for the time being of this Province: And whereas it appears that although the equitable title to the said premises is in the said Lieutenant Governor Carleton, subject to an agreed rent of six pounds one shilling and eight pence per annum, upon a part of the said lands, payable to the said College, yet the legal title thereto rests in the said Governor and Trustees of the said College, which legal title they the said Governor and Trustees have consented and agreed to part with and convey upon such terms, with regard to the said rent, as the General Assembly may deem proper: And whereas it appears that the said Agent of the said Lieutenant Governor Carleton has consented and agreed to accept of the sum of three thousand five hundred pounds of lawful money of this Province for the same premises, and upon the payment thereof to release and convey all the right and title of the said Lieutenant Governor Carleton and his heirs to the same premises, in such way and manner as may or can be done by law: And whereas it is considered just and equitable to grant and pay to the said Governor and Trustees of the said College the sum of one hundred and fifty pounds of like lawful money, to redeem the said rent; for the perfecting of which said negotiation and agreement, and for carrying the same into full force and effect,—

Be it enacted, &c.—1. The said Governor and Trustees of the College of New Brunswick are hereby authorized and empowered to grant and convey all the right, title, and interest which they have of, in, and to the same premises, to the King's Majesty, His Heirs and Successors, and freed and discharged from the said annual rent.

2. Immediately upon the due execution of a grant and conveyance by the said Governor and Trustees of the said College of New Brunswick, of the said premises, and also of a release and conveyance of the same by the said Agent of the said Lieutenant Governor Carleton, for and in the name of the said Lieutenant Governor Carleton, to the King's Majesty, His Heirs and Successors, for the purpose aforesaid, there shall be paid out of the Province Treasury, by Warrant from the Governor or Commander in Chief for the time being, who is hereby authorized to issue the same with the advice of His Majesty's Council, the said sum of three thousand five hundred pounds, to the said Lieutenant Governor Carleton or his said Agent; and also in like manner to the said Governor and Trustees of the College of New Brunswick the said sum of one hundred and fifty pounds.

3. The said deeds and conveyances, when duly executed and entered in the office of the Register of the Records of this Province, shall be and the same are hereby declared to be good and effectual in the law, to all intents and purposes to transfer to and vest in the King's Majesty, His Heirs and Successors, for the purpose aforesaid, full and absolute property and seisin of and in the same premises; saving nevertheless the right and title of any other person or persons, or body corporate and politic, except the said Lieutenant Governor Carleton and his heirs, and the said Governor and Trustees of the College of New Brunswick.

4. The said premises shall be from and after the transfer and conveyance thereof as aforesaid, deemed and considered to be holden by His said Majesty, and His Heirs and Successors, for the use and benefit of this Province, and for the sole purpose of a residence for, and the accommodation of the Governor or Commander in Chief of the Province for the time being, and the same or any part thereof, shall not in any way, or by any means whatever, be alienated or granted, or

disposed of to any person or persons whomsoever, or for any other purpose whatsoever, without an Act of the General Assembly of this Province authorizing the same.

5. Repealed by 3 V. c. 78.

6. This Act shall be deemed and taken to be a public Act, any thing to the contrary thereof notwithstanding.

3rd GEORGE 4th—CHAPTER 25.

An Act to provide for the erection of an Alms House and Work House within the County of York, and for making rules and regulations for the management of the same.

Section.

1. Building for Alms House, how erected and paid for.
2. Commissioners, by whom appointed, and powers of.
3. Commissioners, what rules, &c. may make, and what punishments inflict.

Section.

4. Commissioners, to whom to account, and what estimate for poor to make.
5. Commissioners may agree with Overseers of other Parishes as to poor.
6. Profits of work in Alms House, how applied.

Passed 21st March 1822.

WHEREAS by the modes generally pursued to provide for the support of the poor in this Province, many persons who might under proper regulations contribute to their own maintenance, have nevertheless become chargeable to, and are entirely maintained by the inhabitants of the Parishes in which such persons reside, to the very great burthen of such inhabitants: And whereas the establishment of suitable Alms Houses and Work Houses in proper situations within this Province, would not only enable many poor persons who are now chargeable to the Parishes in which they reside, to contribute materially to their own support, but would also afford the means of checking the disorderly behaviour of divers persons, who by drunkenness and idleness disqualify themselves from earning a proper support ;—

Be it therefore enacted, &c.—1. The Justices of the Peace for the County of York in their General Sessions be and they are hereby authorized and empowered to agree for the erecting and finishing of a proper building for an Alms House and Work House in the Town or Parish of Fredericton, and to fix upon a certain sum of money for defraying the expense thereof, which sum of money shall be raised by an assessment upon the inhabitants of the Parishes of Fredericton, Saint Mary's, Kingsclear, Prince William, and Queensbury, in the

said County, in the manner prescribed by the laws now in force for assessing, collecting, and levying County rates, or by any other law which may be passed during the present Session of the General Assembly, provided that such assessment shall not exceed the sum of seven hundred pounds.

2. It shall and may be lawful for the Governor or Commander in Chief of this Province, by warrant under his hand and seal, to be issued with the advice of His Majesty's Council, from time to time to appoint so many fit persons, not exceeding seven nor less than five, and of whom two shall be Justices of the Peace for the said County, as he shall think fit, to be Commissioners for superintending and managing the said building so to be erected for the purposes aforesaid; and it shall and may be lawful for the said Commissioners from time to time to provide such materials and things as they shall judge necessary, for the setting to work and employing such poor persons, of what age or sex soever they be, who may apply for relief and shall be capable to work, and shall have power and authority at their discretion to compel such idle or poor people begging or seeking relief, as do not betake themselves to some lawful employment, or who do or shall hereafter seek and receive alms of any of the said Parishes herein before mentioned within the said County, or who may stand in need of relief from any of the said Parishes, to dwell, inhabit, and to work in the said Work House, and to do all such work as they shall think them able and fit for, and shall have the same powers to bind out poor children apprentices, as are by the laws of this Province given to the overseers of the poor in the several Towns or Parishes.

3. The said Commissioners to be appointed as aforesaid, shall have power to make such rules, orders, and regulations for the good government and management of the said Alms House and Work House as they shall find necessary, (such rules and regulations to be approved of by the Justices in their General Sessions), and to inflict such correction and punishment by solitary confinement or otherwise from time to time, as to them shall seem reasonable, on any person or persons within the said Alms House or Work House who shall be so set to work and shall not conform to such rules, orders, and regulations to be made as aforesaid, or shall misbehave in the same.

4. The said Commissioners shall at the first General Sessions of the Peace to be holden for the said County, annually lay before the Justices in their said Sessions, an account, to be audited by the said Justices, of the expenses incurred by them for the support and maintenance of the poor of the said Alms House and Work House for the past year, together with an estimate of what sum or sums of money will be needful for the maintenance or employment of the poor of the said House for the current year, in which estimate shall be stated the proportion that each Town or Parish within the said County ought to pay, according to the number of poor persons that such Town or Parish shall have in the said Alms House, or committed to the care of the said Commissioners, to the intent that no other levy or assessment may be made for any other maintenance or allowance to or for any such poor, which sum or sums of money shall be assessed, levied, and raised in such manner and form as by the laws of this Province is or shall be appointed and directed, and when raised and received, shall be paid to the said Commissioners for the use aforesaid, and for no other.

5. The Commissioners to be appointed in pursuance of this Act shall have full power and authority to contract and agree with the overseers of the poor of any Parish in the said County, or of any adjoining County of this Province, for the maintenance of any poor persons belonging to such Parishes respectively, which contract and agreement such overseers are hereby authorized and empowered to make; provided always, that such overseers shall first pay or secure to be paid to the said Commissioners, such sum or sums of money as shall be so agreed for, and shall also report to the said Commissioners the names, character, and condition of all such poor persons within the said Towns or Parishes respectively, in whose behalf such application shall be made.

6. The profits of any work or labour to be performed under the direction of the said Commissioners shall be duly accounted for by them, and shall be applied towards the support and maintenance of the persons inhabiting within the said Alms House and Work House.

8th GEORGE 4th—CHAPTER 23.

An Act to establish and regulate Public Landing Places in Fredericton.

Section.

1. Landing places in Fredericton, where established.
2. Avenues to landing places, what deemed.
3. Encumbering, &c. landing places; penalty, recovery, and application.

Section.

4. What part of Regent Street reserved for Steam Boat landing
5. Constables, how to be retained at Steam Boat landing, and powers of.

Passed 19th March 1827.

WHEREAS great inconvenience and delays in the lading and unlading of Vessels have arisen for the want of regular and unobstructed landing places in the Town of Fredericton; for remedy whereof,—

Be it enacted, &c.—1. There shall be eleven public landing places in the said Town of Fredericton in the County of York, for vessels and boats to lade and unlade their cargoes, that is to say,—The first or lower, commonly called Avery's landing, opposite to the Inn called the Golden Ball, to measure two hundred feet in length on the margin of the river; the second landing to be a continuation of Sunbury Street, and to extend on the margin of the river up stream from the lower line of the said street two hundred feet; that the third landing be a continuation of Church Street, to measure also two hundred feet in length on the margin of the river; the fourth landing to be a continuation of Saint John's Street, to measure also two hundred feet in length on the margin of the river; the fifth landing to be bounded by a continuation of the lines of the lot granted to the Justices of the Peace of the County of York for a Market; the sixth, commonly called the Steam Boat landing, at the junction of Regent Street with the river, to measure from the lower line of the said street, three hundred feet in length, on the margin of the said river up stream; and at the continuation of the five following streets, namely, Carleton Street, York Street, Westmorland Street, Northumberland Street, and Smyth Street, there shall be similar landing places, each measuring two hundred feet on the margin of the river: which said landing places shall be considered to extend to the top of the bank, and shall be surveyed and distinctly marked out by posts or other sufficient marks by such person as the Governor or Commander in Chief for the time being shall appoint, and a return and plat thereof, and of the avenues lead-

ing thereto, made and returned into the Surveyor General's office.

2. The said avenues leading to the said several landing places shall be deemed public highways, and persons obstructing the same, liable to the same penalties as for obstructing any other highways in the said Town, and encumbrances thereon may be removed and disposed of agreeable to the provisions of the laws for regulating highways.

3. Any person encumbering or obstructing either of the said landing places, by laying on the shore or leaving in the water any logs, wood, or timber, or any other means, so as to prevent the easy and convenient access of vessels and boats to the same, and discharging their cargoes, shall for every such offence incur the penalty of forty shillings, to be recovered upon conviction before any one of His Majesty's Justices of the Peace, upon the oath of a credible witness, or view of the Justice, and levied with full costs by warrant of distress and sale of the goods of the offender, rendering the overplus (if any) after deducting charges, to the owner; and for want of such goods the offender to be committed to gaol by warrant from such Justice, there to remain for eight days, unless the penalty and costs and charges shall be sooner paid; which penalties when recovered shall be paid to the Commissioners of the Alms House in Fredericton for the use of the poor thereof.

4. The lower one hundred feet of the said Steam Boat landing shall be reserved exclusively for the accommodation of the present or any other Steam Boats which may come to the place; and any person in any way encumbering the same, or any bridge or wharf thereon, so as to obstruct the approach of any Steam Boat to the same, or incommode such boat in the landing of passengers or discharging of goods, or freight, or baggage, or shall remove the said bridge, shall incur the penalty of forty shillings for each and every offence, to be recovered and applied in manner as aforesaid.

5. In order to secure the safe and convenient landing of passengers, it shall and may be lawful for the proprietors of any Steam Boat, at their own expense, to retain any one or more of the constables of Fredericton to attend at the bridge to which any such Steam Boat is expected to come, to prevent persons from crowding the same upon the arrival of any such

boat; and such constable (having his staff of office in his hand) shall have power to prevent persons, at his pleasure, from going or remaining on any such bridge, at the time of the arrival of any such boat; and in so doing he shall at all times be considered to be in the due execution of his office as constable.

10th & 11th GEORGE 4th—CHAPTER 20.

An Act to establish Houses of Correction within the Counties of York and Charlotte.

Section 1.—Houses of Correction, how established in Alms Houses for York, &c.

Passed 8th March 1830.

WHEREAS great inconvenience arises from the want of Houses of Correction within the Counties of York and Charlotte, wherein persons convicted of certain offences, and rogues and vagrants, might be confined and kept at hard labour, instead of being imprisoned in the County Gaols: And whereas there are Alms Houses and Work Houses erected and built within the Parishes of Fredericton and Saint Andrews, parts of which might be beneficially appropriated as Houses of Correction;—

Be it therefore enacted, &c.—1. The Justices of the Peace of the Counties of York and Charlotte respectively, or the major part of them in General Sessions assembled, be and they are hereby authorized and empowered, by and with the consent in writing of the Commissioners of the said Alms Houses and Work Houses for the time being, to establish Houses of Correction at the said Alms Houses and Work Houses; and the same, when so established, shall be deemed and taken to be the Houses of Correction in and for the said Counties of York and Charlotte respectively.

3rd VICTORIA—CHAPTER 78.

An Act to amend an Act intituled *An Act to provide for the purchase of a place for the residence and accommodation of the Governor or Commander in Chief of this Province.*

Section.

1. Repeal of Section of what Act.

Section.

2. Commissioners, how appointed.

Passed 31st March 1840.

WHEREAS great inconvenience has arisen heretofore under the operation of the fifth Section of the Act to which this is an amendment ;—

Be it therefore enacted, &c.—1. The fifth Section of an Act made and passed in the fifty sixth year of the Reign of His Majesty King George the Third, intituled *An Act to provide for the purchase of a place for the residence and accommodation of the Governor or Commander in Chief of this Province*, be and the same is hereby repealed ; and in lieu thereof,—

2. His Excellency the Lieutenant Governor or Commander in Chief for the time being, be and he is hereby authorized and empowered to appoint three or more Commissioners in each and every year to have the care and management of Government House, and the premises therewith connected, and to have the superintendence and control of any reparations and improvements to be from time to time made under and by the authority of the General Assembly of this Province.

10th VICTORIA—CHAPTER 7.

An Act relating to certain Public Lands in Fredericton.

Section.

1. Justices in Session, what lands may lease, and how.
2. What part of the land may be reserved for a Market.

Section.

3. What part for a Hotel stand.
4. What rents of lands, how appropriated.

Passed 12th March 1847.

WHEREAS by an Act made and passed in the ninth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act relating to the exchange of Lands in Fredericton with the Ordnance Department*, six several lots of land in block three, and the parcel of land abutting on Westmorland Street, known as the Hospital Lot, were vested in the Justices of the Peace for the County of York, and their successors, in trust for the use and advantage of the inhabitants of the City of Fredericton: And whereas it is necessary that the Justices of the Peace for the County of York should be empowered to lease the said land in the most beneficial manner for the inhabitants of Fredericton, and to appropriate the rents and profits accruing therefrom for the benefit of the inhabitants of the said City ;—

Be it therefore enacted, &c.—1. The Justices of the General Sessions of the Peace for the County of York, at any General Sessions of the Peace for the said County, shall and they are hereby empowered to lease the said several lots or parcels of land for any term not exceeding twenty one years, for and upon such rent and with such covenant or covenants for the renewal of such lease or leases, and in such lots, pieces, parcels, or portions, as the said Justices shall deem for the advantage of the inhabitants of the City of Fredericton, and may agree upon with the person or persons who may take such lease or leases; and good and valid leases of the said land, with such covenants therein, may be made under the authority of the said Sessions, sealed with the Seal of the said General Sessions, signed with the proper hand of the presiding Justice of the said Sessions, and countersigned by the Clerk of the Peace of the said County; provided that no lease shall be made or entered into under the authority of this Act, unless the upset price or rent of such land shall have been previously fixed by the said Justices in General Sessions, and after such lot or parcel of land so leased shall have been sold or once offered for sale at public auction, after at least ten days notice of such sale.

2. The Justices of the Peace for the said County shall have power to reserve any part of the said Hospital Lot for the purpose of a Public Market for the said City, if they in their discretion shall deem such reservation of advantage to the inhabitants of the said City.

3. Notwithstanding the provisions of this Act, the said Justices of the Peace shall have full power and authority to lease any portion of the said several parcels of land to any persons or persons, or body corporate, at private sale and contract, for the purpose of erecting thereon a commodious Hotel of brick or stone, or both.

4. The first two years rent and profit of the said lands shall be paid over to the Commissioners of Highways for the Parish of Fredericton, for the purpose of assisting in making substantial Sewers in the City of Fredericton.

10th VICTORIA—CHAPTER 47.

An Act relating to a tract of Land situate below the
Town Plat of Fredericton.

Section.

1. Land below Town Plat of Fredericton, under whose control.
2. Highways, &c. over said land, how laid out.

Section.

3. Penalty for dragging timber over, &c.
4. Regulations, by whom made, and for what purpose. Recovery, &c.

Passed 7th April 1847.

WHEREAS there is a piece or parcel of land situate below the Town plat of Fredericton, reserved in the original grant from the Crown to the Governor and Trustees of the College of New Brunswick, for a Common and other public uses: And whereas, for the preservation of the said piece or parcel of land from injury and destruction by the operation of the water, ice, and other causes, for the common benefit of all the inhabitants of Fredericton for ever, according to the intention of the said original grant, it is necessary that the said piece or parcel of land should be placed under some more efficient supervision and control;—

Be it therefore enacted, &c.—1. From and after the passing of this Act, the said piece and parcel of land below the Town plat of Fredericton, and reserved in the grant from the Crown to the Governor and Trustees of the College of New Brunswick, for a Common and other public uses, shall be and be deemed to be under the supervision and control of the Commissioners of Highways for the Parish of Fredericton for the time being, in the same manner as the streets and highways in Fredericton are, subject to the provisions of this Act.

2. The said Commissioners of Highways, or the major part of them, shall have full power and authority to lay out a highway or such highways in, over, or upon such part or parts of the said piece or parcel of land as they may deem necessary, and from time to time to lay out such promenades and walks thereon as they may deem necessary and promotive of the comfort, health, and convenience of the inhabitants of Fredericton.

3. Between the twentieth day of March and the twentieth day of December in each and every year, it shall not be lawful for any person or persons to haul or drag any timber, logs, masts, spars, and other lumber, over any part of the said land which the said Commissioners may lay off for a promenade, unless such timber, logs, masts, spars, or other lumber, be required for

the repair and improvement of the said piece or parcel of land ; and every person or persons shall for each and every offence forfeit and pay a sum not less than five shillings nor exceeding twenty shillings, in the discretion of the Justice before whom the offender shall be prosecuted ; which penalties, with costs of suit, shall and may be sued for and recovered in the manner provided in the fourth Section of this Act.

4. The Justices of the General Sessions of the Peace for the County of York shall have full power and authority from time to time to make such rules and regulations relating to the said piece or parcel of land, or any promenade or promenades, or walk or walks, laid out thereon, for the purpose of promoting the cleanliness, health, and comfort of the inhabitants of Fredericton ; and such rules and regulations to alter, repeal, and amend, and to substitute others in lieu thereof, and to enforce the observance of such rules and regulations by such fines and penalties as they in their discretion may deem meet ; provided that no greater fine or penalty than ten shillings shall be imposed for any breach of such rules or regulations ; which fines and penalties shall be sued for and recovered, with costs, before any one of the Justices of the Peace for the County of York, upon the oath of one or more credible witness or witnesses, and levied by warrant directed to any constable of the Town or Parish of Fredericton, by distress and sale of the goods and chattels of the offender or offenders ; and when no such effects can be found, the offender or offenders to be imprisoned in the common gaol of the County of York for a period of time not exceeding one day for every two shillings of the said fine or penalty.

14th VICTORIA—CHAPTER 4.

An Act to provide for the appointment of Commissioners for the Alms House and Work House for the County of York.

Section.

1. Commissioner, for what Parish elected.
2. Commissioner, by whom appointed.

Section.

3. Commissioners, powers of.
4. What accounts, and when to be exhibited.

Passed 15th March 1851.

Be it enacted, &c.—1. At the annual meeting for electing Town or Parish officers in the County of York, there shall be

elected in each Parish of the said County, connected with and interested in the Alms House and Work House, except the City of Fredericton, one Commissioner of the said Alms House and Work House.

2. The City Council of the City of Fredericton shall from time to time appoint a Commissioner for the said City.

3. The said Commissioners, when appointed, shall be invested with all the powers conferred on the Commissioners of the Alms House and Work House for the County of York by the provisions of an Act made and passed in the third year of the Reign of His Majesty King George the Fourth, intituled *An Act to provide for the erection of an Alms House and Work House in the County of York, and for making rules and regulations for the management of the same.*

4. At the annual election of Parish officers the several Commissioners shall exhibit so much of the Alms House Accounts for the preceding year as relates to their respective Parishes.

14th VICTORIA—CHAPTER 15.

An Act to repeal the several Acts for incorporating the City of Fredericton, and to make other provisions in lieu thereof.

Section.

1. Repeal of Acts; exception.
2. Incorporation of Fredericton.
3. City, how divided.
4. In whom City affairs vested.
5. Assessor, for what and when elected.
6. Qualification of Mayor, &c.
7. Qualification of Electors.
8. Evidence of assessment, &c.
9. Disqualification for office of Mayor, &c.
10. Exempts from serving as Mayor, &c.
11. Penalties for not accepting office, &c.
12. When office declared vacant
13. Office of Mayor, &c., when vacated.
14. Election of, when.
15. Election of Mayor, &c., when to be held.
16. Election of, where to be held.
17. Who to give notice of holding.
18. Candidates; nominated by whom.
19. Elections for extraordinary vacancies; Candidates by whom nominated.
20. Voting for Mayor, &c., how done.
21. Court for nomination and poll, &c.
22. When poll may be closed.
23. Return of elected persons.
24. Mayor, when and how declared elected, &c.
25. Poll lists, &c., where filed.
26. Mayor, how long to remain in office.
27. On vacancy by Mayor, &c., what notices.
28. Elector, what required before voting.

Section.

29. Perjury, what deemed.
30. Electors for Councillors, &c., where to vote.
31. Presiding officer, powers of.
32. Mayor, &c., before executing duties, what to do.
33. Mayor, &c.; oaths.
34. Councillor elected for more than one Ward, what to declare.
35. What officers re-eligible.
36. When to go out of office.
37. City Council, what meetings to hold.
38. Who to call special meetings.
39. What notice to be given.
40. Quorum for business.
41. Who to preside at meetings.
42. Minutes, how entered, &c.
43. Appeal from election.
44. Committees, by whom appointed.
45. Members of Council, how and for what punished.
46. Council, meeting of, how adjourned.
47. Council, what officers may appoint, &c.
48. What security shall give.
49. Rates, &c., by whom to be received.
50. When not to be paid out.
51. Accounts, by whom and when published.
52. Officers to account for moneys, how and to whom.
53. Bye laws, how and by whom made.

Section.

54. City Council, powers of.
55. City Council, what moneys may raise, &c.
56. Assessors' duties, &c.
57. Rates, how apportioned.
58. Collecting rates, who to regulate.
59. Party owing, when may be committed.
60. Non-residents, how notice served as to.
61. When their property may be sold.
62. Appeal against rates.
63. Assessments on real property, how exacted, &c.
64. What debts privileged.
65. Errors in assessments, how rectified.
66. Assessment, when not deemed illegal.
67. Sessions, powers of as to Tavern Keepers, &c.
68. What vessels, &c., exempted from this Act.
69. Certain rights of Justices, in whom vested.

Section.

70. What lands vested in the City Corporation.
71. Expense of administering justice, how agreed upon, and between whom.
72. When citizen, &c., not deemed incompetent witness.
73. County Grand Jury also for City.
74. In criminal matters, jurisdiction to remain.
75. Mayor to be a Justice.
76. Councillors to be Justices.
77. Mayor to be Justice of Common Pleas.
78. Mayor's salary.
79. Sheriff, and other officers of County, shall be same for City.
80. What officers, and how may be assessed.
81. Recovery of penalties, and trial of offenders, &c.
82. What pecuniary qualification for first election of Mayor, &c.
83. Construction of terms, &c.

Passed 30th April 1851.

WHEREAS the provisions of the Act to incorporate the City of Fredericton, and the several Acts to amend the same, have been found defective ;—

Be it therefore enacted, &c.—1. An Act made and passed in the eleventh year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to incorporate the City of Fredericton*, and another Act made and passed in the twelfth year of the same Reign, intituled *An Act to amend an Act, intituled 'An Act to incorporate the City of Fredericton;'* and also an Act made and passed in the thirteenth year of the same Reign, intituled *An Act relating to the levying and collecting of Rates in the City of Fredericton*, be and the same are hereby respectively repealed; provided always, that all Elections of City Councillors or Mayor, and all appointments of City officers made under the authority of the said several Acts hereby repealed, shall be and remain good, valid, and effectual until other Councillors, Mayor, or other City officers shall be elected or appointed in their stead under the provisions of this Act; and provided also, that all assessments of rates heretofore made upon the said City and not yet collected, and all fines and penalties heretofore imposed under the authority of the said several Acts or any of them, may be proceeded for, recovered, collected, and applied in the same manner in all respects as if the said Acts had not been repealed; and that all bonds, recognizances, judgments, and all leases, conveyances, or contracts, sealed with the Seal of the said Corporation, or otherwise executed by the authority of the City Council, should remain

good, valid, and effectual for all purposes expressed therein, notwithstanding the repeal of the said several Acts; and all actions, suits, and proceedings which may have been commenced in any Court by or against the said Corporation, under the provisions of the said Acts, may be proceeded with to their termination and satisfaction in the same manner as if the said Acts had not been repealed; and all bye laws, rules, and ordinances, and every act, matter, or thing heretofore done under the authority of the said several Acts, or any of them, shall be and remain good, valid, and effectual in the same manner to all intents and purposes as if the said Acts had not been repealed.

2. From and after the passing of this Act all the inhabitants of that part of the County of York which is bounded as follows—Northeasterly by high water mark on the northeastern bank of the River Saint John, southeasterly by the County of Sunbury, northwesterly by the lower line of the Parish of Kingsclear and its northeasterly prolongation, and soutwesterly by the Parish of New Maryland, shall be a City Corporate in right and in name, by the name of *The City of Fredericton*, and shall have perpetual succession, and a Common Seal, with power to break, renew, and alter the same at pleasure, and shall be capable in law of suing and being sued, and of purchasing and holding lands and tenements for the use of the said inhabitants, and of making and entering into such contracts and agreements as may be necessary for the exercise of their corporate functions, and to do and execute every other matter or thing incident to such Corporation, subject to the provisions hereinafter mentioned.

3. For the purposes of this Act the said City of Fredericton shall be and is hereby divided into five Wards, to be severally bounded as follows :—

The first to be called Wellington Ward, and be bounded on the northeast, the southwest, and the northwest, by the limits of the City, and on the southeast by a line drawn along the centre of Northumberland Street and its prolongations :

The second to be called Saint Ann's Ward, and be bounded on the northeast and the southwest by the limits of the City, on the northwest by Wellington Ward, and on the southeast by a line drawn along the centre of York Street and its prolongations :

The third to be called Carleton Ward, and be bounded on the northeast and the southwest by the limits of the City, on the northwest by Saint Ann's Ward, and on the southeast by a line drawn along the centre of Regent Street and its prolongations :

The fourth to be called Queen's Ward, and be bounded on the northeast and the southwest by the limits of the City, on the northwest by Carleton Ward, and on the southeast by a line drawn along the centre of Church Street and its prolongations :

The fifth to be called King's Ward, and be bounded on the northwest by Queen's Ward, and on the northeast, the southeast, and the southwest by the limits of the City.

4. The administration of the fiscal, prudential, and municipal affairs, and the whole legislative power and government of the said City, shall be vested in one principal officer, who shall be and be styled the Mayor of the City of Fredericton, and in ten other persons, (and in no other power or authority whatsoever,) two of whom shall be annually elected for each Ward, and who shall be and be styled Councillors of the City of Fredericton, all of whom shall be severally elected as is hereinafter directed; and such Mayor and Councillors for the time being shall be and be called *The City Council*; and all bye laws made by the said City Council shall express to be enacted *By the City Council of the City of Fredericton*.

5. There shall be annually elected at the same time hereinafter appointed for the election of Councillors, one officer for each Ward, who shall be and be called an Assessor; and no person shall be eligible for that office unless he be resident in the Ward for which he may be elected, and qualified to the extent required by this Act in the case of a Councillor.

6. No person shall at any time be qualified to be elected as Mayor, Councillor, or Assessor for the said City, unless at the time of his election he be resident within the said City, a British subject, of the full age of twenty one years, and shall have been assessed in the assessment next preceding such election for real or personal estate, or both, within the said City, to the value of two hundred and fifty pounds or upwards, and shall have paid before the time of such election all rates and taxes legally due from him within the said City.

7. No person shall be qualified to vote at any election for Mayor, Councillors, or Assessors, unless such voter be a British subject, and of the full age of twenty one years, and shall have been assessed in the assessment next preceding such election for real or personal estate, or both, within the said City, to the value of fifty pounds or upwards, or for income to the amount of twenty five pounds, and shall have paid before the time of such election all rates and taxes legally due from him within the said City.

8. The evidence required under this Act of assessment for property, and of payment of rates thereon, shall be a receipt from the City Treasurer, or from the Collector of rates, who is hereby required to furnish the same on demand, under the penalty of forty shillings for each refusal, which receipt shall contain a statement of the value of property or income assessed against the person therein named, and an acknowledgment that the rates due by such person in respect of such assessment have been fully paid.

9. No person shall be qualified to be elected to serve in the office of Mayor or Councillor, so long as he shall hold any office or place of profit in the gift or disposal of the City Council, nor during such time as he shall by himself or his partner, or in any other way or manner, directly or indirectly, have any share or interest in any contract or employment with or on behalf of the said City Council, nor shall any Minister or Teacher of any religious denomination whatsoever, nor any person accountable for the City revenues or any part thereof, nor any officer or person presiding at an election of a Mayor, Councillor, or Assessor, while so presiding, nor any Clerk or assistant employed by him at any such election, while so employed, be elected to the office of Mayor or Councillor in the said City ; provided nevertheless, that no person shall be disqualified to serve as Mayor or Councillor as aforesaid, by reason of his being a proprietor or shareholder in any Company which shall or may contract with the City Council for lighting, supplying with water, or insuring against fire, any part of the said City ; provided always, that such disqualification shall not arise from holding any lease of land from the Corporation ; and no Councillor shall receive into his hands any moneys for and on account of any contract, work, or employment made, done, or

performed by or on behalf of, or by direction of the said Corporation, but all moneys due by the said Corporation on any such account shall be paid by the Treasurer of the City to the person or persons who shall have actually done such work, and shall be entitled to such moneys by, under, or for such contract, work, or employment, or to his or their order.

10. No person elected to serve as Mayor, Councillor, or Assessor, who is above the age of sixty five years, or who shall have already served in or paid the fine for the non-acceptance of such office within five years next preceding the day on which he shall be so elected, or who is a Member of the Legislature or of the Executive Council of this Province, shall be liable to a fine for the non-acceptance of such office; and provided also, that no Military, Naval, or Marine Officer in Her Majesty's Service, on full pay, nor the Surveyor General, the Provincial Secretary, Clerks in Public, Civil, or Military Departments, the Postmaster General, nor his Deputies, nor Custom House Officers, Sheriffs, Coroners, Clerks and Commissioned Officers of the Legislature, nor the Clerk of the Executive Council, nor School Masters, shall be held or deemed liable to accept any such office as aforesaid, or any office in the said City.

11. Every person elected to the office of Mayor or of Councillor, or of Assessor for the said City, within five days after receiving notice of his election, or if he be absent from the City at the time of his election, then within five days after his arrival in the said City, and notice as aforesaid, shall accept the said office to which he shall be so elected, and take the oath of office, under a penalty of ten pounds currency for non-acceptance of the office of Mayor, or of five pounds for non-acceptance of the office of Councillor, or of three pounds for non-acceptance of the office of Assessor, and the election to any of the said offices shall be held *prima facie* evidence of qualification on the part of the person so elected, unless such person shall make oath before the Mayor for the time being, or before any Justice of the Peace for the County of York, who are hereby authorized to administer such oath, that he is not possessed of the qualification required by this Act, in some particular to be stated in such oath.

12. When any person duly elected to the office of Mayor, Councillor, or Assessor, shall neglect or refuse to accept the

same within the time limited, or to take the oath of office as aforesaid, the said office shall be deemed vacant, and shall be filled up by a new election, to be made in the manner hereinafter provided for holding elections.

13. If any person holding the office of Mayor or of Councillor shall be declared bankrupt, or shall apply to take the benefit of any Act for the relief of insolvent debtors, or shall compound with his creditors by deed or other writing, or shall remove his place of residence without the limits of the City, or shall be absent from the City or from the meetings of the City Council for more than two months at any one time, except in case of illness, or by leave of the City Council first obtained, then and in every such case such person shall immediately be deemed and taken to be disqualified, and shall cease to hold his office of Mayor or Councillor, and his place shall be filled up by a new election, to be made in the manner hereinafter directed for holding elections ; and in the case of such absence as aforesaid, he shall be liable to the same fine, to be recovered and applied in the same manner, as if he had neglected or refused to accept the said office as hereinbefore mentioned.

14. The first election for Mayor for the said City, after the passing of this Act, shall be held on the second Monday in May in the present year ; and the annual election for a Mayor as aforesaid, in all succeeding years, shall be held on the second Monday in March in each and every year.

15. The first election for two Councillors and one Assessor for each Ward of the said City, after the passing of this Act, shall be held on the last Monday in May in the present year ; and the annual election for two Councillors and one Assessor for each Ward as aforesaid, in all succeeding years, shall be held on the last Monday in March in each and every year.

16. Every election for Mayor, Councillors, or Assessors, to be held under and by virtue of this Act, after due notice as hereinafter directed, shall be held as follows, that is to say : For the election of Mayor, at one convenient place within the said City ; and for the election of Councillors or Assessors, in one convenient place in each of the several Wards thereof ; and by and before such fit and proper persons as shall be appointed for the purpose by the City Council for the time being, or by the High Sheriff of the County of York in case

of the neglect or refusal of the City Council to make such appointments.

17. Public notice of the time and place for holding every such election respectively shall be given by the City Clerk, by publishing such notice in one or more of the public Newspapers printed in the said City, and by printed handbills in the several Wards, for not less than ten days previous to such election; provided always, that the elections in the several Wards for Councillors and Assessors shall all be held on the same day and hour.

18. At every annual election to be held under and by virtue of this Act, and before the polling commences, which shall be at ten o'clock in the forenoon, there shall be nominated by duly qualified electors, out of the persons capable of being elected, including the Mayor, Councillors, and Assessors then in office, one or more persons for the office of Mayor, two or more persons for the office of Councillor in each Ward, and one or more persons for the office of Assessor in each Ward; and no vote shall be counted except those given for one or some of the persons so nominated as aforesaid.

19. At all elections to supply extraordinary vacancies, there shall be nominated in the manner hereinafter provided, and out of persons duly qualified, one or more persons according to the nature or number of vacancies so to be supplied, and the votes given for the persons so nominated only shall be counted.

20. All voting under this Act for election of Mayor, Councillors, or Assessors, shall be by ballot and not by open vote; and a separate ticket shall be given by each voter for each office then about to be filled, but a blank ticket shall not in any case be counted as a vote; and provided also, that if in sorting the votes it shall be found that two or more ballots are enclosed in the same cover, or if the name of the same person be more than once entered in the same ballot, or if any ballot shall contain a greater number of names of persons as designated to any office than there are persons to be elected to such office, all such ballots shall be rejected in toto and destroyed.

21. At all elections to be held under this Act, the Court for nomination of candidates or persons proposed shall be opened at nine o'clock in the forenoon, by and before the officer or person appointed to hold such election; and the poll shall open

at ten o'clock in the forenoon, and shall continue open until five o'clock in the afternoon of the same day, unless sooner closed as hereinafter provided; and the name of each elector voting at such election shall be written in poll lists to be kept at such election, by the officer or person holding the same; and after finally closing the poll for Councillors or Assessors at any such election, the officer or person by whom the same shall be held, shall forthwith proceed openly and publicly to ascertain and declare the number of votes given for each of the candidates or persons for whom votes shall then have been given, and he shall also then publicly declare the person or persons having the majority of votes in his or their favour to be duly elected as such Councillor or Assessor; and the officer or person so presiding, whether otherwise qualified or not, shall give a casting vote in cases where such casting vote may be necessary to determine the election of Councillors or Assessors.

22. The officer or person holding any such election shall not be bound to keep the poll open until five o'clock in the afternoon in any case where no more candidates have been proposed than may be necessary to be then elected, but in any such case the presiding officer may immediately after ten o'clock in the forenoon close the poll, and declare such candidate or candidates to be duly elected; and provided also, that if no vote shall be polled or offered during any one hour at one time after twelve o'clock, then and in such case the presiding officer shall close the poll as aforesaid at the expiration of such hour, and proceed to ascertain and examine the votes given, and declare the persons elected in the manner hereinbefore directed.

23. The officer or person holding every election for Councillors or Assessors as aforesaid, shall immediately after the close thereof make a return to the City Clerk of the names of the persons having the majority of votes and declared by him duly elected at such election.

24. The annual or other election for a Mayor for the said City shall be held as hereinbefore provided in some central and convenient place in the said City, where every duly qualified elector for the City, or as many as shall think proper, may give his vote for any one of the candidates or persons nominated for that office; and at the final close of the poll as aforesaid, the officer or person holding such election shall examine the

state of the ballot, and the person who shall have received the greatest number of votes, if they amount to more than half of the whole number of votes given at such election, but not otherwise, shall be declared duly elected, and shall be as such returned by the presiding officer to the City Clerk; or if no one of the candidates or nominees shall have received more than half of all the votes given at that election for the office of Mayor, the presiding officer shall forthwith after the close of the poll make a return to the City Clerk of the names of the persons for whom votes shall have been polled, and the number given for each, and the City Council, at their first meeting, which must be held within three days after the close of such election, may choose one out of all the persons for whom such votes shall have been given, and the person so chosen shall be deemed duly elected to the office of Mayor of the City, and in either of the foregoing cases a certificate of such election under the hand of the City Clerk shall be forthwith transmitted to the Office of the Provincial Secretary; but if the City Council cannot agree upon the person so to be chosen, the names of all the said candidates or nominees, and the votes polled for them respectively, shall be forthwith submitted by the City Clerk to the Lieutenant Governor, who, by and with the advice and consent of the Executive Council, may and shall approve one of the said candidates or nominees to be Mayor of the said City.

25. The poll lists kept at every such election, and the receipts delivered in by the electors as hereinafter mentioned, shall on the day next after the conclusion of such election, (unless such day be Sunday, Christmas Day, or Good Friday, and then on the day next thereafter,) be delivered by the officers or persons holding the same to the City Clerk to remain in his office, where they shall be open for inspection to any elector on the payment of one shilling.

26. Every person duly elected or appointed to the office of Mayor, and accepting the same by taking the prescribed oath as by this Act directed, shall be and remain in office as such Mayor, with all the powers and responsibilities incident to such office, until he die or become disqualified as hereinbefore provided, or until another person be sworn into office in his stead; and if any person holding the office of Mayor be at any annual

election re-elected to the said office, it shall not be necessary for him to be again sworn into office as such Mayor.

27. If any vacancy shall happen by the death or disqualification of the Mayor, or of a Councillor, or an Assessor, the Mayor, or in case of his absence, or if there be no Mayor, then any three of the Councillors, shall by order in writing, and within ten days after the vacancy shall have happened, direct the City Clerk to give public notice as hereinbefore provided of the time and place when and where an election will be held to supply the said vacancy or vacancies, and such election shall be held in the manner provided in and by this Act.

28. Every person desirous of voting at any election for Mayor, Councillors, or Assessors, before he be permitted to vote shall deliver to the officer or person holding such election, a receipt from the City Treasurer or Collector of rates, as provided in and by the eighth Section of this Act, (unless such receipt be already filed in the office of the City Clerk,) and also, if required by the officer or person holding such election, or by any one of the candidates, or by any person duly qualified to vote at such election, shall make oath, or being a Quaker shall make affirmation, before the officer or person holding such election, in the form following, that is to say:—

‘ I, A. B., do solemnly swear (*or affirm*) that I am a British subject, and of the full age of twenty one years, and that I am the person named in the receipt now exhibited (*or heretofore given in*) by me, and that the said receipt was given to me by the City Treasurer (*or Collector of rates, as the case may be*) whose name is thereto subscribed, and that I have not before voted at this Election;’—or if the Election be for a Councillor or Assessor, the form shall be—‘ and that I have not before voted in any Ward at this Election.—So help me God.’

Which oath or affirmation the officer or person holding such election is hereby authorized to administer; and in every case where the elector shall have been sworn as aforesaid, the presiding officer shall note in his poll book that such elector had been sworn or had affirmed.

29. If any person shall knowingly swear or affirm falsely in taking any or either of the oaths, or in making the affirmations

prescribed in and by this Act, he shall be deemed guilty of wilful and corrupt perjury, and on conviction shall suffer the pains and penalties provided by law in the like cases.

30. At any election for Councillors or Assessors, every elector shall vote in the Ward in which he resides and not elsewhere, or if he be the owner of sufficient property in more than one Ward, and have paid his rates as aforesaid, he may make his option to vote in either or any of the Wards in which he shall have such property, but no person shall vote at any one election in more than one Ward.

31. Every officer or person holding any such elections for Mayor, Councillors, or Assessors as aforesaid, shall be and may be deemed a peace officer on that occasion, and shall have power and authority to maintain and enforce order and decorum, and preserve the peace at the election held by him, and to suppress all riotous and disorderly conduct thereat; and all peace officers, and all others Her Majesty's subjects, are hereby required and commanded to be aiding and assisting him therein; and every person neglecting or refusing to give such aid and assistance when thereunto required by such presiding officer, shall be taken and deemed guilty of a misdemeanor; and if any person or persons shall commit violence, or be engaged in any affray or riot, or shall in any wise disturb the peace and order at such election in any manner whatever, or in any wise interrupt the poll, or the business thereof, or wilfully obstruct or threaten any person coming to vote, the officer or person holding any such election shall have power and authority, on view or on oath of one credible witness, (which oath the said officer or person holding such election is hereby empowered to administer,) forthwith to order such person into custody, or to commit him to prison, should such officer deem it expedient, by warrant in writing, directed to the Sheriff or his Deputy, or to any constable within the City, or to the keeper of the gaol of the City; which warrant such Sheriff, Deputy Sheriff, constable or gaoler shall and may, and he is hereby required forthwith to obey, under a penalty not exceeding ten pounds current money of this Province for disobedience thereto; provided that such restraint or imprisonment shall not continue more than forty eight hours after the adjournment or dissolution of such meeting; and provided also, that the person or persons

so guilty of such disorderly or riotous conduct, or of disturbing or interrupting the poll in any way or manner whatever, as hereinbefore specified, shall be liable, notwithstanding such restraint and imprisonment, to be otherwise prosecuted and punished, as if no such arrest had been made.

32. The Mayor, Councillors, and Assessors, before entering upon the duties of their offices respectively, shall file with the City Clerk the assessment receipts given to them severally by the City Treasurer or Collector of rates, as hereinbefore provided; and shall also severally be sworn, or in case of Quakers, shall make affirmation, by taking and subscribing the oath of office as hereinafter prescribed; and such oath or affirmation shall be administered to the Mayor by the Lieutenant Governor in the presence of two members of the City Council, or in his absence, by a Judge of the Supreme Court, or by the Secretary of the Province; and the said oaths or affirmations shall be administered to the Councillors and Assessors by the Mayor in Council, being himself first qualified as aforesaid; and a certificate that such oaths or affirmations have been duly made or taken shall be entered by the City Clerk in the Minutes of the City Council.

33. The oath of office to be taken as aforesaid by the Mayor, Councillors, and Assessors respectively, shall be in the following words, that is to say:—

‘ I, A. B., do solemnly swear (*or affirm, as the case may be*)
 ‘ that I am qualified as by law required for the office of
 ‘ to which I have now been elected; that I am a British subject,
 ‘ of the full age of twenty one years; that I am yet seized and
 ‘ possessed of the property for which I was assessed in the
 ‘ assessment last made in this City, or of property equal in value
 ‘ to the amount then assessed against me, or to the value of at
 ‘ least two hundred and fifty pounds currency; And I do swear
 ‘ (*or affirm*) that I will diligently, faithfully, and impartially,
 ‘ and to the best of my ability, discharge the several duties
 ‘ which appertain to the said office of while I hold the
 ‘ same.—So help me God.’

And the title of the office held by the person so sworn or affirmed shall be filled in the several blanks in the aforesaid form.

34. If at any election, any person shall be elected as Coun-

cillor for more than one Ward of the said City, he shall within three days after receiving notice thereof make his option and declare for which he shall serve, or in his default the Mayor for the time being shall declare for which one of the said Wards such person shall serve as Councillor, and thereupon such person shall be held to have been elected in that Ward only, and in no other, and another election shall thereupon be held in the Ward or Wards for which such person shall not have elected, or not have been declared elected to serve, as in other cases of extraordinary vacancies.

35. At the annual elections to be held under this Act, all the officers whose term shall then expire shall be eligible for immediate re-election, if duly qualified in other respects.

36. The Councillors and Assessors to be elected under this Act, shall severally go out of office on the day hereinbefore prescribed for holding the annual elections.

37. There shall be in each year four quarterly meetings of the said City Council, which shall be held on such days in each and every year as shall be provided by any bye law in that behalf.

38. It shall be lawful for the Mayor of the said City to call a special meeting of the said Council when and so often as he may deem proper, or upon requisition presented to him for that purpose, signed by any three members of the said Council, and in case of the death, disqualification, or absence of the Mayor, or if he shall neglect or refuse to call a meeting upon such requisition as aforesaid, it shall be lawful for any three members of the said Council to call such special meeting by a notice in writing addressed to each member of the said Council, and signed by the Councillors who may call such meeting.

39. Notice in writing of all special meetings of the Council as aforesaid, whether called by the Mayor or by three or more Councillors as hereinbefore provided, shall be left at the usual place of abode of every member of the said Council three days at least before the day appointed for such meeting; which notice shall be deemed a summons to attend such meeting, and shall specify the business to be transacted at such meeting; and in all cases of meetings called by the Mayor, such notice shall be issued by the City Clerk; provided nevertheless, that if all the members of the City Council be present at any such

special meeting, the Council shall then be competent to deal with any matter of business, whether mentioned in such notice or not.

40. In all special meetings of the City Council to be held under this Act, six members with the Mayor or Chairman shall constitute a Court for the purpose or purposes for which they had been convened as aforesaid, and a majority of the members present shall determine the questions and matters submitted for consideration; and in all general meetings six members with the Mayor or Chairman, as hereinbefore mentioned, shall in all cases be competent for the dispatch of business; and it shall be the duty of the City Clerk at all meetings to keep a minute of the proceedings, in which he shall enter the names of the members who shall be present at the opening or during the continuance of such meeting, and the persons whose names have been so entered shall be deemed and taken to be to all intents and purposes present at such meeting until the same shall be formally adjourned or dissolved by the presiding officer; and the rules, orders, regulations, enactments, and decisions of such meeting shall not be deemed illegal or contrary to the true intent and meaning of this Act, notwithstanding some of the members shall withdraw therefrom previous to such adjournment or dissolution.

41. At all meetings of the City Council, the Mayor of the City, if he be present, shall preside, and in case of his absence the Councillors present shall choose one of their own number to act as Chairman and preside at such meeting; and the Mayor or Chairman so presiding shall not vote, except in case of equal votes, upon any question, and he shall then have a casting vote, and all meetings of the City Council shall be held with open doors.

42. The minutes of proceedings of all meetings of the said City Council to be held as aforesaid, shall be drawn up and fairly entered in a book to be kept for that purpose by the City Clerk, and shall be signed by the Mayor or Chairman presiding at such meeting; and the said Minute book shall be open, on payment of a fee of one shilling, to the inspection of all persons qualified to vote at the election of Councillors.

43. If any candidate or duly qualified elector be dissatisfied with the decision of the officer or person holding any election

under this Act, in any case relating to the return of a Mayor, Councillor, or Assessor, such candidate or elector shall, within ten days next after the day of such election, make application in writing through the City Clerk to the City Council, setting forth the cause of complaint, and demanding an investigation thereon; and the said City Council are hereby authorized and required to assemble, and examine and determine the matter of such complaint without delay; but the Mayor or Councillor whose return or seat is in dispute shall not vote on the examination of such complaint; and if it shall appear to the City Council, by satisfactory evidence on complaint as aforesaid, that any person has been returned, and is serving as Mayor, Councillor, or Assessor, contrary to the provision of this Act, the said City Council shall declare his election to be void, and shall direct a new election to be held to supply his place, as in the case of other extraordinary vacancies.

44. It shall be lawful for the said City Council to appoint from and out of the members composing such Council such and so many Committees, and consisting of such number of persons as they may think fit, for the better transaction of the business before such Council, and for the discharge of such duties as by the said Council may be prescribed, but subject in all things to the approval, authority, and control of the said Council; and in all questions coming before any of such committees, a majority of the members present shall determine such questions, provided that a majority of the persons composing such committee be present.

45. If at any meeting of the said City Council to be held under this Act, any member of the City Council shall be guilty of grossly violent or improper conduct, or shall make use of language indecent or profane, or insulting to the presiding officer or to any member of the Council present at the meeting, the City Council, if seven members in all, or more, besides the offender, be then present, and concur in the sentence, may expel such offending Councillor from the City Council, or another meeting may be specially summoned to adjudicate upon the subject, the time and object of such meeting being previously notified in writing to every member, or be left at his usual place of abode, as in the case of other special meetings, and if eight members at least, including the offender, be present at

such special meeting, the Council so assembled shall have power, after due trial and proof of the offence, (in such manner as may be determined at such meeting,) to punish the offender by reprimand, fine, or expulsion, as any seven of the members then present shall think fit; provided that in the case of expulsion, the person so expelled shall forthwith cease to be a member of the City Council, and forfeit all rights, powers, and privileges enjoyed by him as such, and the Mayor shall immediately order a new election to supply the vacancy occasioned by such expulsion as in the case of other extraordinary vacancies; and provided also, that in case a fine shall be imposed, the same shall in no case be more than five pounds, to be recovered with costs, in the name of the City Treasurer, who is hereby authorized and required to sue for the same before any competent Court in a summary manner, in which a certificate under the hand of the City Clerk shall be conclusive evidence of the defendant's liability, which certificate the said City Clerk is hereby authorized and required to furnish without fee or reward.

46. Any meeting of the City Council to be held under this Act may be adjourned from day to day for three days in the whole and no longer.

47. At the first meeting of the City Council after every annual election, or at any subsequent meeting, the said City Council, if they see fit, may nominate and appoint from time to time out of respectable citizens of the said City a City Clerk, who shall also be the law adviser of the City Council, (and whose duties and responsibilities in relation to the said City and to all the officers to be appointed within the same, and to every of them, shall in all respects be the same as the duties and responsibilities of the Clerk of the Peace of any County in this Province,) an Auditor, a City Treasurer, a City Marshal, a Clerk of the Market, and so many Constables, Surveyors of Roads, Collectors of Rates, Pound Keepers, Harbour Master or Wharfinger, according to the true intent and meaning of this Act or any bye law; and to define the duties of such officers, and their respective terms of office, which, except in the cases of the City Clerk and Treasurer, shall not be longer than one year, unless they be re-appointed; and the City Council may also remove or displace any of the said officers and appoint

others in their stead, and to impose penalties for the non-performance of duties, or other misdoings of such officers, and to cause such penalties to be levied and recovered by distress or otherwise as such Council may direct, and shall grant and allow in any year, by stated salary or otherwise, to the City Clerk and other officers so to be appointed as aforesaid, such allowance or other compensation for their services as the said City Council may think fit; provided that no person shall be capable of acting in any office to which he may be appointed by the City Council until he shall have been sworn, or have affirmed (if a Quaker) before the Mayor of the City, that he will diligently, faithfully, and impartially, and to the best of his ability, discharge the several duties appertaining to the office to which he has been appointed, so long as he shall hold the same.

48. No person shall be capable of acting as City Clerk, Wharfinger, Collector of Rates, or in any other office or capacity accountable for the City revenues, or any part thereof, until he shall have entered into a bond to the City of Fredericton, with two sufficient sureties, to be approved by the City Council, in such form and for such penal sums as the Mayor shall approve, or any bye law prescribe, conditioned to account for and pay over to the City Treasurer all moneys received by him on behalf of the said City; and provided also, that the City Treasurer, before entering upon the duties of his office, shall enter into a bond to the City of Fredericton, with two or more sureties, to be approved by the City Council, in the sum of five hundred pounds, conditioned for the faithful performance of the duties of his office.

49. The Treasurer of the said City shall receive all rates, taxes, assessments, fines, penalties, imposts, or other moneys payable by the inhabitants of the said City, or received for and on account of the revenues of the said City under and by virtue of this Act, or of any bye laws to be made by the City Council by the authority of the same.

50. The said City Treasurer shall not pay out any moneys as such Treasurer otherwise than upon an order in writing of the Council of the said City, to be signed by the Mayor, or in his absence, by the Councillor presiding at any meeting of the Council when such moneys were ordered to be paid, and countersigned by the City Clerk or City Auditor.

51. It shall be the duty of the City Council to publish in one or more of the Newspapers published in the City, one month before the annual election of Mayor and Councillors in each year, for the information of the citizens, a full and detailed statement of the receipts and expenditure of the Corporation during the past year ; and in every such statement the different sources of revenue, and the amount received from each ; the several appropriations made by the Council, the objects for which the same were made, and the amount of moneys expended under each ; the moneys borrowed on the credit of the Corporation, the authority under which each loan was made, and the terms on which the same was obtained, shall be clearly and particularly specified ; together with the amounts of all assessments ordered and made, the several purposes of such assessments, the amount actually received under such assessments, and a detailed account of the application thereof ; and such statements and accounts shall be made up to the thirty first day of December preceding such publication in each year, signed by the Mayor and Auditor of the City for the time being.

52. All Boards, Commissioners, and officers appointed to act under the authority of the said City Council, and entrusted with the collection or expenditure of any moneys belonging to the said Corporation, shall be accountable therefor to the said City Council, in such manner as may be ordained and directed by the bye laws and ordinances of the said City Council ; and the books of accounts of the said Corporation, shewing the amounts, particulars, state and circumstances, and also the receipt and expenditure of the property, funds, taxes, and effects and fees belonging and accruing or payable to the said Corporation, or any of its officers, and a full and particular account of the same, shall be deposited and kept in the office of the City Clerk, and shall be there exhibited for the inspection and examination of every elector of the City who may, within the usual office hours on any business day, apply to inspect and see the same, on payment of one shilling for every such inspection or search.

53. The said City Council, in addition to the general powers of making bye laws for the good government of the said City, and the other powers incident thereto, specially conferred in

and by the provisions of this Act, shall, in the manner herein-after mentioned, have the sole power and authority from time to time to make, ordain, enact, revise, alter, and amend such laws as they may deem proper for the several purposes following, within the said City, that is to say :—

1st. For regulating weights and measures in the public markets and all other places within the said City, according to the lawful standard, and to authorize the seizure and destruction of such as are not according to the standard, and to impose fines or penalties on the owner of or person using such defective or fraudulent weights or measures, beams, scales, or other devices for weighing :

2nd. To regulate and manage the market or markets, and to establish and regulate market days and fairs :

3rd. To regulate the manner of selling, weighing, and measuring butcher's meat, fish, vegetables, grain, hay, straw, and fodder, and to grant licences for the due weighing and admeasurement thereof :

4th. To restrain and regulate the purchase and manner of selling of vegetables, fruit, country produce, poultry, and all other articles and things, or of animals openly exposed for sale or marketed :

5th. To restrain and regulate the purchase of such things by hucksters and runners living within the City less than one mile from the outer limits thereof :

6th. To regulate the measurement of coal, lime, salt, grain, boards, cordwood and other fuel, clapboards, shingles, laths, and other lumber, and to impose penalties for light weight or short count or measurement in any thing marketed :

7th. To regulate all vehicles, vessels, and other things in which any thing may be exposed for sale, or marketed in any street or public place, and to seize and destroy all tainted and unwholesome meat, poultry, fish, or other articles of food, and to impose and recover such reasonable penalties as may be deemed proper upon the person or persons exposing for sale such tainted or unwholesome articles within the said City :

8th. To regulate the assize of bread, and provide for the seizure of bread baked contrary thereto, and to impose penalties upon the person so baking contrary to the provisions of any bye laws to be made in that behalf :

9th. To regulate the anchorage, lading, and unlading of vessels and other craft arriving at the said City :

10th. To regulate and provide for the erection, management, and rent of wharves, piers, quays, landings, and docks in the said City, and the toll to be paid for vessels and steam boats touching thereat or using the same, and to prevent the filling up or encumbering the River Saint John within the said City, or impeding the free navigation thereof, and to regulate and establish ferries within the limits of or belonging to the said City :

11th. To regulate carters, wagoners, and cartmen ; the price to be paid to them for hauling loads in the said City, and the quantity to comprise a load :

12th. To enforce the due observance of the Sabbath :

13th. To punish vice and immorality, and indecency in the streets or other public places within the City :

14th. To preserve peace, health, and good order :

15th. To prevent the spreading of infectious or other diseases :

16th. To prevent excessive beating or other cruel and inhuman treatment of animals :

17th. To prevent the sale of any intoxicating drinks to children, apprentices, or servants, without the consent of their lawful protectors :

18th. To impose penalties on the keepers of low tippling houses frequented or visited by dissolute and disorderly persons, where spirituous liquors are not sold :

19th. To licence, regulate, or prevent billiard tables, bowling alleys, or other places of amusement :

20th. To restrain or suppress gambling houses, and to enter into them and seize and destroy rouge et noir and roulette tables, and other devices for gambling :

21st. To restrain and punish all vagrants, drunkards, mendicants, and street beggars :

22nd. To restrain or to regulate the licencing of all exhibitions of natural or artificial curiosities, and all theatres, circuses, or other shows or exhibitions for hire or profit, and for preserving quiet and order thereat :

23rd. To establish and regulate one or more pounds, and the fees to be taken thereat :

24th. To restrain, regulate, or prevent the running at large of horses, cattle, swine, goats, sheep, dogs, geese, and poultry, and to impound the same :

25th. To impose a tax on the owners or harbourers of dogs, and to regulate and prevent dogs running at large, and to provide for killing such as are found so running at large contrary to any law or bye law, after public notice given :

26th. To abate and cause to be removed all public nuisances, and all filth or encumbrances in the streets :

27th. To regulate the construction of privy vaults and sinks on private property :

28th. To cause vacant lots in central situations, when they become nuisances, to be properly enclosed at the cost and expense of the owner, and to recover such expenses, with costs, in a summary manner :

29th. To regulate and prevent the erection or continuance of slaughter houses, distilleries, tanneries, and manufactories or trades which may be or be likely to become nuisances :

30th. To prevent the ringing of bells, blowing of horns, shouting, and other unusual noises in the streets and other public places :

31st. To purchase, enclose, plant, lay out, and adorn any public square, park, or parade for the use of the City, and to make and ordain rules for the government and preservation thereof, and to impose penalties and punishments by fine or imprisonment, or both, for the violation or non-observance of such rules :

32nd. To prevent the injuring or destroying of trees planted within any of the streets or public grounds of the said City :

33rd. To prevent immoderate driving or riding within the City :

34th. To establish bathing houses, and prevent or regulate bathing in the River Saint John or any public water in or near the said City :

35th. To regulate and licence owners of livery stables, or other owners of horses or carriages letting out the same for hire or profit, and also porters, butchers, and hucksters :

36th. To establish and regulate a Police for the said City, and take up and arrest, or order to be taken up and arrested, all rogues, stragglers, idle and disorderly persons, and order

them to be set to work on the streets, or committed to the work house or common gaol for such term not exceeding ninety days at any one time as shall seem meet :

37th. To provide for the proper keeping and management of any house of refuge, hospital, work house, bridewell, or house of correction, that may be erected or established in the said City, and also to provide for the erection or establishment of any such houses of refuge, hospitals, work houses, bridewells, or houses of correction, as they may deem necessary for the public welfare :

38th. To erect, preserve, and regulate public cisterns, reservoirs, and other conveniences for the supply of good and wholesome water, or for the extinguishing of fires, and to make reasonable charges for the use thereof :

39th. To establish, make, and regulate public fountains, pumps, and wells, and to prevent the waste and fouling of public water :

40th. To prevent or regulate the firing of guns or other fire arms :

41st. To prevent or regulate the firing or setting off of squibs, fireballs, crackers, or other fireworks :

42nd. To prevent or regulate the keeping or transporting of gunpowder, or other combustible or dangerous substances :

43rd. To prevent or regulate the use of fire, lights, or candles in livery or other stables, and in cabinet makers' and carpenters' shops, and in other places where combustible substances are kept, and to prevent or punish the use of pipes and cigars :

44th. To regulate the carrying on of manufactories or trades dangerous in causing or promoting fires :

45th. To regulate and require the safe keeping of ashes in proper deposits :

46th. To provide for the security, safety, and advantage of the inhabitants by such rules and regulations and restrictions as they may deem expedient, to be observed by all persons in the erection of buildings to be built within the populous parts of the said City :

47th. To regulate the construction of any chimney, flue, fire place, stove, oven, boiler, or other apparatus or thing in any house, manufactory, or business, which may be dangerous in causing or promoting fires :

48th. To enforce the proper sweeping or cleaning of chimneys:

49th. To regulate the number of fire buckets to be provided by the several inhabitants, and the time and manner in which they shall be so provided; and also to provide for the examination of such buckets, and the use of them at fires:

50th. To regulate the conduct and enforce the assistance of the inhabitants at fires, and for the preservation of property thereat:

51st. To make regulations for the suppression of fires, and the pulling down or demolishing adjunct houses, and remunerating the owners thereof in certain circumstances:

52nd. To compel the owners or occupiers of houses to have ladders leading to and on the roof of such houses:

53rd. To establish and regulate engine, fire hook, ladder, and property saving companies, and to provide and afford exemptions and immunities to the officers and members thereof:

54th. To provide for the purchase of such and so many fire engines as they may deem necessary:

55th. To provide for the payment of such premium or reward for early attendance of wagons or other vehicles with water at fires, as to the said City Council may from time to time seem expedient:

56th. To appoint from time to time such and so many persons to be firewards as the said Council may think proper, and to enact rules and regulations prescribing the duties of such firewards:

57th. To regulate the management and provide for the security of the public property of every kind belonging to the said City, and to provide for the permanent improvement of the said City in all matters as well ornamental as useful:

58th. To provide for the erection, preservation, and security of lamp posts, sign boards, and other fixtures within the City:

59th. To provide for defraying out of the funds of the said City, if it be deemed necessary, the expense of lighting the same or any part thereof with gas, oil, or other substances, and for the performing of any kind of work required for the purpose of supplying the said City with gas, oil, or other substance, and for compelling the proprietors or occupiers of real property to allow such work to be done, and to permit such fixtures as may be necessary to be placed in and about their premises, such

work and fixtures to be at the cost and expense of the City ; and to provide for the erection of all works connected with such lighting, or that may be necessary to furnish a supply of gas, oil, or other substances, for the inhabitants of the said City :

And generally to make all such laws and ordinances as may be necessary and proper for carrying into execution the powers herein vested, or that may hereafter be vested in the said City Council, or in any officer or department of the same, subject to the limitations with respect to penalties contained and prescribed in and by this Act.

54. The said City Council shall have and they are hereby invested with the sole and exclusive power to open, lay out, regulate, repair, amend, and clean the streets, lanes, and alleys now existing, or that may hereafter be found necessary within the said City, and of such parts of highways and bye roads (if any) as may be within the limits thereof ; and of putting or building drains, sewers, culverts, and bridges therein, and to prevent the encumbering of the same in any manner, and to protect the same and every part thereof from encroachment and injury, by such bye laws and ordinances as the said City Council may from time to time enact and establish for the purposes aforesaid ; and for making, flagging, planking, macadamizing, paving, raising, repairing, lighting, watching, planting, and draining any or any part of the streets, squares, commons, lanes, alleys, walks, side walks, crossings, roads, bridges, wharves, docks, slips, and shores, now laid out or erected, or hereafter to be laid out, executed, or erected within the limits of the said City ; and to regulate or prevent the encumbering, injuring, or fouling of the same by any animals, vehicles, vessels, crafts, lumber, building, or other materials or things, in any way or manner whatsoever ; and to make, ordain, and enforce bye laws and regulations for the confiscation, sale, removal, or destruction of any such encumbrances or any such nuisance, and to impose penalties on the owners or persons placing the same in such places, and to levy and recover the same by distress and sale of goods, or to award punishment therefor, by the imprisonment of the party offending, as may seem discreet and proper in the respective cases ; and to regulate the breaking of the roads and streets of the said City in the winter, and

to require the owners of horses, sleds, and other teams to assist thereat, and the putting of poles in the ice on the River Saint John in front of the said City; and to provide for erecting, making, or repairing any common sewer, drain, flagging, posts, or pavement of stone, deal, plank, or other material, in any public street, square, or place, and for assessing the proprietors or lessees of such real property as will be immediately benefited by such improvements, and to regulate the time and manner in which such assessments shall be collected and paid; and for directing and causing the removal at any time of any erections, projections, or obstructions whatsoever, which may project into or over any public street, square, or road, at the expense of the proprietors, or of the occupants of the real property in or near which such erection, projection, or obstruction may be found; provided that nothing in this Act contained shall extend or be construed to extend to authorize the opening of any streets, roads, or highways through the private property of any person or persons without complying with the provisions of any Act or Acts of this Province for providing for the awarding of damages to any person or persons who may be injured thereby.

55. It shall be lawful for the said City Council, at any meeting or meetings to be held as hereinbefore provided, to direct the raising, assessing, levying, collecting, and applying such moneys as may be required for the execution of the powers with which the said City Council is hereby invested, and for maintaining a good and efficient system of Police, in such manner as may by any bye law of the said Council be provided, either by imposing tolls and rates to be paid in respect of any public works, or in respect of any other matter or thing within the said City, or by means of any rate or assessment to be assessed or levied on real or personal property, or both, within the City, or upon the owners or occupiers thereof in respect of such property, or upon the income of the inhabitants of the said City derived from any trade, profession, or calling within the Province, or upon the poll of the inhabitants, or upon the sale of goods by public auction within the said City, or upon the capital stock or other trading capital of any Bank, Banking Company, Insurance or other trading or joint stock Company or Corporation, or upon the agencies of Foreign

Companies, being Companies whose principal place of business is not within this Province ; provided that not more money in the whole than five hundred pounds shall in any one year be assessed or levied, or be collected and raised from the said City, whether by rents of property or otherwise, in any way or manner whatever, by authority of the said City Council, over and above such amount as may be necessary for the relief of the poor, the support of the fire department, lighting the City, and making and repairing the streets and roads ; and provided also, that it shall be lawful for the said City Council, and they are hereby required to exempt from the payment of rates for the support of the fire department, lighting the City, or for any other object of a purely local nature, the inhabitants of that part of the said City lying below the lower line of land now owned and occupied by William Payne, and its south-westerly prolongation ; and in rear of the line dividing the third and fourth ranges of pasture lots, and its prolongation southeasterly, to intersect the line first mentioned, and north-westerly to the lower line of the Parish of Kingsclear ; and provided also, that the City Council may at their discretion remit so much of the rates imposed upon mills and other manufacturing establishments within the said City as they shall deem just and reasonable.

56. Immediately after the annual election of Assessors as hereinbefore provided, and after they have been sworn into office, the said assessors shall give public notice of their appointment in one or more of the public Newspapers printed within the said City ; and any inhabitant or person owning property in the said City, may at any time within forty days after the date of such notice, give in to the said assessors, or any one of them, a statement of his property and income, in the manner prescribed by the Act relating to the government of Counties, Towns, and Parishes ; and the assessors, if such statement be attested before a Justice of the Peace, or the Mayor, who are severally hereby authorized to administer such oath, shall estimate or assess the property and income of such person at the amount mentioned in such statement, and no more ; and the assessors, at the expiration of forty days as aforesaid, shall proceed to assess or appraise the real and personal estate of the several inhabitants of the City, and of

non-residents having property therein, and the income of the said inhabitants derived from any trade, profession, or calling within the Province, (but not from real or personal property,) and shall file with the City Clerk a roll or list of such assessment, to be prepared in such form as the City Council may determine.

57. Whenever the said City Council may order any sum of money to be raised by rates or assessment upon the City as aforesaid, they may appoint one or more of the assessors then in office to make the apportionment of such rates according to the list so filed by the assessors with the City Clerk.

58. The said City Council, by any bye law to be made for that purpose, shall have power to regulate the time and manner of collecting the rates upon any assessment within the said City, and to allow a reasonable discount for the prompt payment of such rates before the list or book shall be placed in the hands of the collector, and to establish a summary method for recovering the rates due from defaulters residing within the City, by Writ in the nature of a *levari facias*, in the manner used for recovering fines from jurors for non-attendance; provided that no such process shall issue for the recovery of rates due by any person rated and residing within the said City, until at least ten days after a printed or written notice shall have been delivered to such person, or left at his dwelling house or last known place of abode, either with his wife or some adult member of his family, if any such can be found; which notice shall contain a statement shewing the several amounts assessed or rated against such person, and the time at which the same is to be paid, nor until the default shall be made to appear by the affidavit of the collector or other satisfactory testimony.

59. If any person residing within the said City, and rated therein, shall not have any property whereon to distrain for the rates due and not paid by him, it shall be lawful for the Mayor, by warrant under his hand and seal, to cause such person to be committed to the common gaol until the said rates be satisfied; provided however, that no person who may be so committed to gaol for default in the payment of rates, shall be detained more than one day for every two shillings of the amount assessed, and of the costs directed to be levied, nor more than

fifty days in the whole, if the amount exceed five pounds; and every person so committed shall be entitled to his discharge at the expiration of such time, but the execution or process shall remain in full force and effect as against the property of such person for the space of two years from the date thereof; and provided always, that no person under arrest for non-payment of rates as aforesaid, shall be deemed entitled to the benefit of the gaol limits.

60. When any person assessed as a non-resident shall have a known agent in the said City, the notice hereinbefore provided to be delivered to residents, shall be delivered to such agent, in respect of the rates assessed against his principal; and if such non-resident shall not have any known agent in the City, the City Clerk shall cause a list to be published in the Royal Gazette, containing the names of all such non-residents, (who have no known agents,) and the amounts due from them respectively, and such publication shall be continued for three months, excepting the names of those who may sooner pay the amounts due from each of them, with their respective proportions of the expenses.

61. The collector, at the end of such three months publication, or delivery of the notice to an agent as aforesaid, shall make application to the Mayor, under oath, setting forth the assessment and default; and the said Mayor is hereby authorized, by warrant under his hand and seal, to direct the Sheriff or a Coroner of the County of York, to sell at public auction to the highest bidder, (first giving thirty days notice of such sale in the Royal Gazette,) so much of the real estate of the person named in such warrant, as in his judgment may be sufficient to pay such assessment, with all the costs and charges attending the recovery thereof, retaining the overplus (if any) for the use of the owner; and the said Sheriff or Coroner is hereby authorized and directed to make such sale, and to execute a deed to the purchaser of such property, his heirs and assigns, and to deliver seizin and possession thereof to such purchaser.

62. Any person believing himself over-assessed, or otherwise aggrieved by any assessment made in the said City, or the agent of any non-resident assessed as aforesaid, may appeal to the City Council at any time within twenty days after notice as hereinbefore provided shall have been delivered to him, or

left at his last known place of residence ; and the City Council shall have power to give such relief as they shall deem just and equitable, by adding the name of such person to the assessment list, or in case of over-assessment, by either ordering a deduction to be made from the amount of rates then assessed against him, or by an order that the assessors in the next succeeding year shall make the said deduction from the amount which otherwise would be assessed against the appellant in such succeeding year, and in the latter case the amount so to be deducted shall be entered in the assessment roll as a deduction for overcharge in the previous year.

63. Any rate or assessment with which any lands, tenements, or hereditaments within the said City may be legally rated or assessed, may be exacted and recovered either from the owner of the property so rated or assessed, or from any person occupying the same, or any part thereof, as a tenant or otherwise ; and when any such rate or assessment shall be paid by any tenant not liable to make such payment by the terms of the lease or other agreement under which he holds or occupies such property, such tenant may deduct or set off the sum so paid by him from the rent payable by him in respect of the enjoyment or occupation of the property so rated and assessed, or may recover the same, with costs, from the said owner, by action in any competent Court.

64. All debts that from and after the passing of this Act shall become due and payable to the said Corporation, for or by reason of any rate or assessment assessed or imposed upon any real or personal property, or both, within the said City, or upon the owners or occupiers thereof in respect of such property, shall be privileged debts, and shall be paid in preference to all other debts excepting debts due to the Crown, and shall in the distribution of the proceeds of property, whether personal or real, of any person liable to pay any such debt, be so held, considered, and adjudged in all Courts of law or equity, and all Surrogate Courts, and by all Commissioners or other persons having jurisdiction in Bankruptcy in this Province ; provided always, that such preference shall not extend beyond the amount of the rate and assessment due for two years, that is to say, the amount due for the then current year and the year next preceding the same.

65. If in any assessment as aforesaid it shall happen that property belonging to one person shall be assessed against another person, or if the name of any person liable to be assessed shall have been omitted in the assessment list, or if any error shall occur in the addition, extension, or apportionment of any part of the said list, it shall be lawful for the said assessors to correct such errors and supply such omissions at any time before another assessment is made for a similar purpose.

66. No assessment or rating shall be deemed illegal, although the sum total of such assessment may exceed the amount ordered to be raised, if such excess do not amount to more than ten per cent. in the whole.

67. From and after the passing of this Act, all the powers vested in the Court of General Sessions for the County of York in and by the several Acts of the General Assembly of this Province for regulating Tavern Keepers and Retailers, shall be transferred to and vested in the said City Council, so far as such laws may be applicable to the City of Fredericton; and the Mayor and each several Councillor for the time being of the said City shall have full power and authority to do any act or thing in respect of the said Acts within the said City, which are in the said Acts directed or permitted to be done by a Justice of the Peace; provided that all penalties or fines imposed and recovered within the City for violation of the said laws, and all moneys exacted for granting licence to tavern keepers or retailers, (which shall not in any one case exceed the sum of fifteen pounds for twelve months) shall be paid to the City Treasurer for the use of the said City; and provided also, that no General or Special Sessions for the County of York shall have power to grant any tavern, retail, or other licence, or to make any rules or regulations respecting the same, to be in force within the said City.

68. Nothing in this Act contained shall be construed to authorize the City Council of the said City to interfere with the arrival or departure, or the lading or unlading or mooring of vessels, boats, or other craft, except ferry boats, or with the landing of wood, timber, or other lumber, on the northeastern shore of the River Saint John, or within five hundred feet from the line of low water mark thereon, or to impose any

restriction thereon; provided that nothing herein contained shall in any way impair or diminish the municipal rights of the said City within the limits thereof.

69. All the rights, powers, and authority which at any time were vested in the Justices of the County of York by an Act made and passed in the ninth year of the Reign of Her present Majesty, in respect of certain lands within the said City which were exchanged with the Ordnance Department, and by another Act passed in the tenth year of the same Reign, in respect of the same lands, shall be and they are hereby transferred to the said City Council, who shall have, enjoy, and use the same in as full and ample manner as could be done by the said Justices if this Act had not been passed; and all leases or other agreements in respect of such lands, made by the said Justices, shall be deemed to be made by and with the authority of the said City Council, without any assignment thereof or attornment to the said City Council.

70. All lands within the City which have not heretofore been granted by Her Majesty or Her Royal Predecessors to any person or body corporate, or reserved by the Crown for any special purpose, are hereby vested in the said Corporation of the City of Fredericton, in as full and ample manner as if the same had been conveyed by Grant from Her Majesty, but no prescriptive appropriation or user, or reputed user, of any tract of land within the City by the inhabitants for a road shall be affected by this Act.

71. The Justices of York in General Sessions and the City Council shall annually agree upon the amount to be paid by the said City towards the expense of administering justice in the said County, which for the said City shall not exceed the proportion that the population of the City bears to that of the County, and the City Treasurer shall pay over to the Treasurer of the County of York the amount that may be so determined as aforesaid.

72. In any action or other proceeding at law or equity, or otherwise, in which the said City shall be a party, or concerned, no citizen or officer of the said Corporation shall in consequence thereof be deemed an incompetent witness or juror, but the objection shall go to the credit only of such person as a witness.

73. The Grand Jury for the County of York shall also be

deemed the Grand Jury or Inquest of the City, and shall have the full powers vested by law in Grand Juries, except in the inspection of accounts, the approval of assessments, salaries, and fees, and in the regulation of the fiscal affairs of the said City.

74. In all matters of a criminal nature the jurisdiction of the Court of General Sessions or any Special Sessions of the Peace, and of Justices of the Peace, and of the Grand Jury as Grand Inquest of the County, shall continue in full force within the said City as if this Act had not passed, except in cases where by this Act, or by any bye law to be enacted by authority thereof, the cognizance of such criminal matters has been vested in the said Corporation, or in some of its officers; and the said General or Special Sessions, Justices, or Jurors, shall have no power to interfere directly or indirectly with any of the fiscal, prudential, or municipal affairs of the said City.

75. The Mayor of the said City, during his continuance in office, shall be and be deemed, within the limits of the said City, a Justice of the Peace in and for the County of York, and shall have, use, and exercise the same and the like powers and authority within the said City, as if he had been nominated and commissioned a Justice of the Peace; provided always, that his authority as such Justice shall not extend beyond the limits of the said City.

76. The several Councillors of the said City, while in office as such, shall also be and be deemed Justices of the Peace in the same manner and to the same extent as is provided in the case of the Mayor.

77. The Mayor for the time being of the said City, shall also be and be deemed a Justice of the Inferior Court of Common Pleas in and for the County of York, and shall have and use all the powers and privileges incident to such office.

78. The City Council may order such amount of salary (not exceeding fifty pounds per annum) as they may see fit, to be paid to the Mayor; and all fees or costs accruing from the performance of his duties, except the fees to be received by him as a Justice of the Common Pleas, shall be paid to the City Treasurer for the use of the said City.

79. The High Sheriff, and the Register of Deeds and Wills for the County of York, and such and so many of the Coroners

of the said County as shall be resident in Fredericton, shall be respectively High Sheriff, Register of Deeds and Wills, and Coroner or Coroners in and for the said City; and the common gaol of the County of York shall be deemed and taken to be the common gaol of the said City.

80. For the purposes of assessments within the said City, the President or other chief officer, or the Cashier, Agent, or Manager of any Company or Corporation, shall be deemed and taken to be and assessed as the owner of its capital stock; provided always, that such assessment shall be made separate and distinct from the proper assessment of such President, chief officer, Cashier, Agent, or Manager; and the name, style, or firm of any co-partnership in trade or business shall be entered in the assessment roll as assessed for the property or income of such co-partnership, and the assessed amount may be recovered from and levied upon any member of such co-partnership; and in case of mortgaged property, the party in possession shall be deemed the owner for the purposes of assessment; and the form of the assessment roll, and the construction of the terms "real estate" and "personal estate," shall in all respects be the same as prescribed in an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to the local government of Counties, Towns, and Parishes in this Province*.

81. All fines, penalties, or forfeitures to be recovered by the provisions of this Act, or by any of them, or by virtue of any bye law to be made and enacted under the authority hereof, shall and may be sued for, recovered, and enforced on the oath of one or more credible witness or witnesses, before the Mayor of the said City and any one of the City Councillors, and in case of the sickness or absence of the said Mayor from the said City, before any two of the said Councillors, who are hereby authorized and empowered to be, and are hereby constituted a Court for the trial of all complaints, suits, prosecutions, or controversies arising under this Act, or the said bye laws, or any of them, within the limits of the said City, and to which any fine, penalty, or forfeiture is or shall be attached by virtue of this Act or of any such bye law; and such fine, penalty, or forfeiture may be levied and recovered by warrant of distress of

the offender's goods and chattels, under the hands and seals of the said Mayor and City Councillor; and in default of payment of such fine, penalty, or forfeiture, or for want of sufficient goods and chattels of the offender whereon to levy such fine, penalty, or forfeiture, together with costs and the charges of distraining and selling the same, to commit the offender or offenders to the common gaol or house of correction for such period not exceeding six months, as the said Mayor and City Councillor shall direct; and all such complaints, suits, prosecutions, or controversies shall be prosecuted by summons or warrant, in the discretion of the said Mayor and City Councillor, in the name of the City Treasurer, or any one of the Councillors not engaged in the suit and trial of the cause, and the proceedings shall be *viva voce*, and conducted in a summary way, and regulated by the provisions of an Act made and passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions, within this Province, with respect to summary convictions and orders*, so far as the same are applicable to and not altered by the provisions of this Act; and judgment shall be given as the very right of the matter may appear, without regarding technical objections, imperfections, or defects which do not affect the substantial justice of the case.

82. And whereas by reason of the assessment upon the inhabitants of the said City for the year of our Lord one thousand eight hundred and fifty having been made and ordered but a short time before the passing of this Act, it may so happen that the whole amount thereof may not have been paid in and satisfied by the time at which the first elections of Mayor and Councillors and Assessors are directed to be held in and by the thirteenth and fourteenth Sections of this Act, whereby many persons, without having made default, might be deemed and taken to be disqualified from voting, or from being candidates at the said elections; for prevention whereof,—For the purposes of the said first elections only, the payment of the rates assessed for the year of our Lord one thousand eight hundred and forty nine shall in all cases be deemed to be such a payment of taxes as shall be sufficient to constitute the qualification of voters or candidates under the provisions of the sixth and seventh Sections of this Act, in so far only nevertheless as

the payment of taxes is enacted and declared to be a part of such qualification, any thing in this Act contained to the contrary thereof in any wise notwithstanding.

83. In the construction of this Act, the words "Lieutenant Governor" shall be understood also to mean the person administering the Government of this Province for the time being; any thing directed to be done or received by the City Clerk, shall be understood to be done or received legally when done or received by such person as may be appointed to act as such for the time being; the masculine gender, when used or occurring in this Act, shall be held also to include the feminine gender; and the plural number shall be held also to include the singular number, except where such construction might imply a legal or evident contradiction; and all the provisions of this Act shall, if necessary, be so construed together as best to render them operative and effectual for the purposes intended.

14th VICTORIA—CHAPTER 17.

An Act to authorize the issue of Treasury Debentures to raise money for the purpose of being loaned for rebuilding a part of the City of Fredericton destroyed by fire in the month of November one thousand eight hundred and fifty.

Section.

1. Loans, when and to what amount may be made.
2. Commissioners appointed to superintend Loans, and powers of.
3. Bonds, how to be taken.
4. Debentures, when to be delivered.
5. Bonds, where to be registered.
6. Debentures, by whom prepared.
7. Bonds, with whom to be lodged.

Section.

8. Interest, how and when paid on Debentures.
9. When payment of principal, &c., may be enforced.
10. Expenses of application, &c., how secured.
11. Debentures, how cancelled.
12. Forgery of Debenture, how punished.
13. Debentures, to be in what form.

Passed 30th April 1851.

WHEREAS the erection of fire proof buildings in that part of the City of Fredericton destroyed by the conflagration in November last, is an object of general interest, not merely to the actual sufferers, but also to the community at large, as tending to the security of life and property, and the stability of mercantile affairs: And whereas the expense of fire proof materials is such as to place them beyond the immediate reach of many responsible persons, from whose landed property or other resources, nevertheless, an eligible and competent secu-

urity might be obtained for such loan as may be extended to them: And whereas it is deemed expedient to authorize the issuing of Treasury Debentures for the purpose of creating a valuable security, to be distributed and applied towards the erection of such buildings, under certain restrictions, provisoes, and limitations hereinafter set forth;—

Be it therefore enacted, &c.—1. There be and there is hereby granted to the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding twelve thousand pounds, to be raised as hereinafter mentioned, and loaned on good securities to such of the sufferers by the said conflagration, or to the owners in fee or the lessees of the several lots of land within that portion of the City of Fredericton destroyed by fire on the eleventh day of November last, who may require a loan or loans of money, and make application for any part thereof under the regulations and according to the provisions hereinafter enacted.

2. It shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Executive Council, to appoint three or more fit and proper persons to act as Commissioners for the purposes of this Act, to whom all applications for loans under the provisions of this Act shall be made; that every such application shall be in writing, subscribed with the name of the applicant and his proposed co-obligor; that it shall particularly specify and describe the situation and extent of the real estate, lands, tenements, and hereditaments which will be affected by the bonds or obligations proposed to be given, the existing encumbrances, if any, and the value, with a description also of the lot, piece, or parcel of land on which the contemplated buildings are proposed to be erected, its situation, extent, and encumbrances, if any, the tenure by which it is held, and a particular description of the buildings and improvements which the applicants propose and intend to erect thereon; and it shall be the duty of the said Commissioners carefully to investigate the said security, to examine the public records, and to ascertain by every means in their power whether the securities offered by the said applicants are sufficient to warrant a loan, and to what amount, and to deliver to the said applicant or applicants

a report of the same in writing, under the hands of such Commissioners, or a majority of them, with a recommendation of the amount to be loaned to such applicant or applicants, in no case to be more in amount than two thirds the estimated value of the securities, and no loan to be made to any applicant or applicants exceeding the sum of five hundred pounds; and it shall be the duty of such Commissioners at the time of delivering such report, to require from the applicant or applicants a security by bond for the repayment of the amount specified in the said recommendation, as hereinafter directed; and also a further bond to Her Majesty, executed by the applicant and one approved surety, in a penal sum double the amount of the sum so recommended to be loaned, and conditioned that the said applicant or applicants, or his or their assigns, shall erect or build upon the lot, piece, or parcel of land described in such bond, a building externally composed of fire proof materials, and covered with a roof of slate, metal, or tile, corresponding with the description set forth in the original application hereinbefore mentioned.

3. The money bond to be taken by the Commissioners as aforesaid, shall be taken in the name of Her Majesty, Her Heirs and Successors, in double the amount of the sum recommended to be loaned, and conditioned for the payment of the said sum when thereto demanded, and for the payment of the legal interest, payable and to be paid annually to the Treasurer of the Province for the time being, at his office at Saint John, or wheresoever the same may be held; and it shall be the duty of the said Commissioners forthwith to file such bonds in the office of the Secretary of the Province.

4. It shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Executive Council, upon receiving such application, with the report and recommendation of the said Commissioners, or a majority of them as aforesaid, and their certificate that the hereinbefore mentioned bonds have been made, executed, and delivered to the satisfaction of the said Commissioners, and by them lodged in the office of the Secretary of the Province, after examination and approval of such bonds, to issue his warrant to the said Treasurer of the Province, directing the

issue of a debenture or debentures to the amount recommended, to be delivered by such Treasurer to the party applicant, or to his order.

5. The bonds to Her Majesty to be made and taken as aforesaid, shall, upon due and legal proof, be recorded in the office of the Registrar of Deeds and Wills of the County or Counties in which the lands to be affected thereby are situated; and such bonds and securities shall bind the buildings and other property erected by the money loaned, in addition to the real property of the respective obligors or persons giving such securities.

6. It shall and may be lawful for the Treasurer of the Province, and he is hereby required when thereunto directed by order of the Lieutenant Governor as hereinbefore mentioned, to prepare, make, and issue, or cause to be prepared, made, and issued, Treasury Debentures not exceeding in the whole twelve thousand pounds currency, payable at the expiration of ten years after the day of the date thereof, with interest, payable annually, at the rate of six per centum per annum; and the said debentures shall be numbered according to their classes, in numerical order, beginning in each class with the number one, and be issued in the classes and the numbers following, that is to say:—

Class A.—Sixty Debentures of one hundred pounds each.

Class B.—Thirty Debentures of two hundred pounds each.

7. The said bonds and obligations, after the same shall have been duly recorded as hereinbefore provided, shall be deposited in the office of the Treasurer of the Province, and it shall be the duty of the said Treasurer, and he is hereby required from time to time annually as the same falls due, to collect the interest due upon the money bonds, and account for the same as for other public moneys coming into his hands.

8. The interest accruing upon the said Treasury debentures shall be paid annually by the said Treasurer out of any moneys in the Treasury, upon the production of the said debentures respectively at the Treasurer's office, and the interest thereon paid shall be endorsed thereon, and a receipt for the same, referring to the proper debenture, delivered to the Treasurer as his voucher for the payment thereof.

9. It shall and may be lawful for the Lieutenant Governor

or Administrator of the Government for the time being, by and with the advice of Her Majesty's Executive Council, at any time after the expiration of nine years from the date of the bonds authorized to be taken by virtue of this Act, to direct the Treasurer of the Province to call in and enforce the payment of the principal and interest due upon the same, twelve months notice of such requisition having been first given in writing to the respective obligors or their legal representatives, or published during that period in the Royal Gazette of this Province.

10. The amount of costs, charges, and expenses attending the application to be made under this Act, shall be defined and settled by His Excellency the Lieutenant Governor in Council, and a scale or schedule thereof shall be delivered to such Commissioners as may be appointed under the same; and if the party or parties applicants shall not secure or deposit the amount to the satisfaction of such Commissioners, no proceedings shall be by them taken on such applications.

11. All Treasury debentures mentioned in this Act, which shall from time to time be paid off and discharged, shall be cancelled and made void by the party holding the same receipting the several debentures, by stating the amount of the principal and interest received on the same, and writing his or their name or names thereupon in words at length; and after such debentures shall be so paid off, the Treasurer of the Province for the time being shall make report thereof to the Lieutenant Governor or Administrator of the Government for the time being, for the purpose of being laid before the House of Assembly at its then next Session, and after the accounts of the payment of the said debentures shall be audited and allowed, the said debentures shall be burnt or destroyed as being of no further use.

12. If any person or persons shall forge, counterfeit, or alter any of the said debentures to be issued and made by virtue of this Act, he, she, or they, on conviction thereof, shall be deemed guilty of forgery, and liable to all the pains, penalties, and forfeitures legally consequent thereon.

13. The said Treasury Debentures shall be in the following form, that is to say :—

Class —

Number —

Treasury Department, Province of New Brunswick.

Whereas by virtue of an Act of the General Assembly made and passed in the fourteenth year of the Reign of Queen Victoria, intituled *An Act to authorize the issue of Treasury Debentures to raise money for the purpose of being loaned for rebuilding a part of the City of Fredericton destroyed by Fire in the month of November one thousand eight hundred and fifty,*

hath made application for aid under the provisions of the said Act to erect a building or buildings, of fire proof material, on the lot, piece, or parcel of land situated in Fredericton aforesaid, and described as follows :—

; which application has been approved of according to law, and a Treasury Debenture to the amount of hath been awarded to him as the Act directs ;

Now, therefore, this Debenture is chargeable on the moneys which may be in the Treasury of the said Province, or which may be paid into the same on or after the day of which shall be in the year of our Lord one thousand eight hundred and for the said sum of together with interest which may be due thereon at and after the rate of six per cent. ; the said interest to be paid annually, agreeably to the provisions of the said Act ; the said principal and interest, or either of them, to be paid to the said , or to such person or persons as he (or she) shall authorize to receive the same.— Given under my hand this day of in the year of our Lord one thousand eight hundred and .

— — Province Treasurer.

Debenture, £ —

Annual Interest —

FORM OF TRANSFER.

I, [the person named in the within Debenture,] do hereby authorize or such person as he shall appoint, to receive the amount of the within Debenture and interest thereon.

FORM OF RECEIPT.

Received from Province Treasurer, the sum of being one year's interest on Treasury Debenture, Class , Number , up to the day of one thousand eight hundred and .

16th VICTORIA—CHAPTER 23.

An Act to authorize the sale of the Alms House Property
in the County of York.

Section.

1. Interest of Parish in Alms House, how disposed of.
2. Notice of meeting.
3. Report of proceedings.

Section.

4. Report, before whom laid.
5. On sale, how property to be conveyed.
6. Application of proceeds.
7. Meetings of rate payers.

Passed 14th April 1853.

WHEREAS it is desirable that the inhabitants of the several Parishes in the County of York, having an interest in the Alms House property in the said County, should be authorized to dispose of their rights therein ;—

Be it therefore enacted, &c.—1. Upon a requisition signed by twelve rate payers upon property in any Parish in the said County interested in the Alms House, the Parish Clerk shall call a public meeting of the rate payers upon property resident in such Parish, and who shall have paid the rates legally due from them in such Parish, to consider the propriety of disposing of the interest of the inhabitants of such Parish in the Alms House.

2. Thirty days notice of the time and place of such meeting shall be given by publication thereof in a Newspaper published in the County, and by handbills posted up in six public places in such Parish.

3. The Clerk of the Parish shall preside at such meeting, and if it shall be determined by the majority of such rate payers upon property then present, that a sale of the interest of such Parish in the said Alms House should take place, then the said Clerk shall forthwith transmit to the Clerk of the Peace of the County a report of the proceedings of such meeting, signed by him, and sworn to before a Justice of the Peace of the County, together with an affidavit of the due publication of the said notices.

4. The Clerk of the Peace shall at the next General Sessions after the receipt of any such report, or at any Special Session to be called for that purpose, lay before such Sessions the reports so transmitted to him, and it shall be lawful for the Justices in such Session to order to be sold at public auction to the highest bidder the interest of one or more such Parishes.

5. Upon any such sale being made, and the purchase money paid or secured to the Justices of the Peace of the said County,

such Justices shall convey to the purchaser thereof, by deed in the name of the Justices of the Peace of the County of York, all the right, title, and interest of any such Parish in the said Alms House, and the land thereto belonging; and any such conveyance being duly executed under the Seal of the General Sessions of the said County, signed by the Chairman presiding at such Sessions, and countersigned by the Clerk of the Peace, and proved in the manner provided for the proof of deeds of Corporations, may be registered in the office of the Register of Deeds and Wills for the said County, and shall vest in the purchaser thereof all the right, title, and interest of the said Justices, either at law or in equity, in the said property, so far as relates to the said Parish in respect to which such sale shall have been made.

6. The proceeds of the sale of the said property shall be paid to the County Treasurer for the public use of the respective Parishes authorizing such sale; provided nevertheless, that no such proceeds shall be paid by the said Treasurer to any person until the full amount actually due Joseph Fleming, as Alms House Keeper, (if any at the time of such sale,) be first paid off and discharged.

7. If the rate payers present at any such meeting, called for the purpose of this Act, cannot agree to dispose of the interest of the Parish in the Alms House, or if no contract can be made by the Justices for such sale, it shall be lawful for the respective Clerks of the Parishes, as often as occasion may require, to call other public meetings for that purpose, in the manner directed in the first and second Sections of this Act, and the same proceedings shall be had thereon as directed for such first meeting.

16th VICTORIA—CHAPTER 40.

An Act to authorize and empower the Justices of the Peace of the County of York to raise by loan a sufficient sum of money to enable them to erect a new Court House in the said County.

Section.

1. What loan Justices may raise for new Court House.
2. Moneys, by whom disbursed.
3. Holders of debentures, what interest to receive.

Section.

4. Assessment, for what sum to pay off loan.
5. Assessment, how applied in paying loan, &c.
6. County Treasurer, how remunerated.

Passed 3rd May 1853.

WHEREAS a new Court House is required in the County of York: And whereas it is expedient to authorize the Justices of the Peace for the said County to raise by loan a sum not exceeding three thousand pounds to be applied to the erection of such Court House;—

Be it therefore enacted, &c.—1. It shall and may be lawful for the Justices of the Peace for the said County, at any General or Special Sessions of the Peace to be holden for the said County, to raise by loan a sum of money not exceeding three thousand pounds, for the purpose of erecting a new Court House for the use of the said County, to be paid off and discharged in the manner hereinafter mentioned, the same to be taken on loans of not less than fifty pounds, and Debentures in the following form, or to that effect, shall be prepared and delivered to the person or persons from whom such loan may be obtained, viz :—

Number ——— County of York, ss.

These are to certify, that [*here insert name, residence, and addition of lender*] hath lent and advanced to the Justices of the Peace for the said County of York, the sum of pounds currency, which sum is payable to him, (or her, *as the case may be*) together with lawful interest, pursuant to an Act of Assembly made and passed in the sixteenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to authorize and empower the Justices of the Peace of the County of York to raise by loan a sufficient sum of money to enable them to erect a new Court House in the said County of York.*—Dated the day of in the year of our Lord one thousand eight hundred and fifty .

By order of the Sessions.

C. D. Clerk.

A. B. Justice of Common Pleas.

Which said debentures shall be signed by one of the Justices of the Inferior Court of Common Pleas and of the Peace for the said County, and countersigned by the Clerk, and shall be respectively numbered according to the time at which the same may be made and issued, and a memorandum thereof shall be submitted by the Clerk at the next General Sessions, and the same to be entered on the Minutes of the said Court.

2. The moneys so authorized to be borrowed by the said Justices, shall from time to time be paid to and received by the Treasurer of the said County, and shall be paid out by him from time to time when required, by order of the General or Special Sessions, in such sums as may be necessary for the purposes of this Act; and the said County Treasurer shall at every General Sessions of the Peace for the said County, render a just and true account, and on oath if required, of the sums of money received and paid by him on this account, separate and distinct from his other accounts.

3. The holders of such debentures shall be entitled to receive interest for the same annually, not exceeding six per cent., to be paid by the Treasurer of the County out of the assessments hereinafter mentioned, upon the orders of the said General Sessions, to be made in manner hereinafter mentioned.

4. It shall and may be lawful for the said Justices of the Peace for the said County, and they are hereby authorized and required, to make a rate and assessment, not exceeding the sum of five hundred pounds in the present year, and a rate and assessment of a like sum in each and every succeeding year, besides the charge for assessing and collecting, for paying off and discharging the loans contracted for the purpose hereinbefore mentioned by virtue of this Act, until the same shall be paid off; the said several sums to be assessed, levied, and collected in such proportions, and in the same manner as any other County rates for public charges can or may be assessed, levied, and collected, under and by virtue of any Act or Acts of the Assembly made or to be made for assessing, levying, and collecting County rates for public charges as aforesaid, and when collected shall be paid into the hands of the said County Treasurer for the purposes of this Act.

5. The moneys to be assessed as aforesaid, shall from time to time be applied, after discharging the yearly interest due on the several principal sums mentioned in the said debentures, in due order, according to the number, beginning with number one, and said County Treasurer shall, when so often as he may be directed by the said General Sessions of the Peace, give one month's public notice by advertisement in one of the Newspapers published in the City of Fredericton, for calling in such and so many of the debentures as the said Justices are

prepared to pay off, specifying the numbers in such advertisement, and the same by and under such orders as aforesaid shall pay off accordingly, and from and after the expiration of such notice, the interest on such debentures shall cease.

6. The said County Treasurer shall be entitled to the sum of one pound five shillings per centum for his services on receiving and paying all the moneys ordered to be assessed by and under the provisions of this Act, and no more.

17th VICTORIA—CHAPTER 45.

An Act to provide for the establishment and management of a Boom or Booms in the County of York.

Section.

1. General Sessions, when may licence Booms.
2. Boomage, how to be recovered.
3. Manager of Boom, who to appoint.

Section.

4. General Sessions may make regulations respecting Booms and Boomage.
5. Not to interfere with any existing Corporation.

Passed 1st May 1854.

Be it enacted, &c.—1. The General Sessions of the Peace in and for the County of York may, upon application from a majority of the persons interested in the timber and other lumber coming to market through any creek or small stream within the said County, grant a licence to one or more persons to erect a boom across such creek or stream, at or near its mouth, for the purpose of securing timber, logs, and other lumber, not however to interfere with the navigation thereof; and in all cases where necessary, the said boom to be so constructed as to admit the passage of rafts and boats at all suitable or reasonable times; provided however, that no such licence shall authorize or empower any person to enter in and upon the lands or tenements of any person whomsoever without the consent of the owners or lessees thereof first obtained in writing.

2. The tolls or boomage shall be recovered from the owner of the timber, masts, spars, and other lumber, by action of assumpsit, in the name of the proprietor of the boom, or of the boom master, or the boom master shall have a lien on the said timber, masts, spars, and other lumber therefor, and may retain the same or as much thereof belonging to any owner as will pay the boomage in respect to the lumber of such owner; and after ten days notice to such owner or his agent, served personally or left at his dwelling house, or if he be absent from the

Province, inserted in some Newspaper published in Fredericton, and also posted up on some public place near the boom, may sell at public auction as much of the said lumber as will pay the boomage and expenses of sale, returning the overplus (if any) to the owner.

3. The proprietor of a boom may employ any one of the boom masters appointed for the Parish in which such boom is situated, to manage such boom.

4. The General Sessions of the Peace for that purpose holden in and for the said County of York, may establish the rates of tolls, and make the necessary rules for the guidance of the boom master, and for the management of the boom, and collecting together, securing, and rafting the timber, masts, spars, and other lumber.

5. This Act shall not authorize the Sessions or any person whatsoever to interfere with the privilege of any person or Corporation empowered to establish any boom, or with the privilege of such Boom Corporation.

CHARLOTTE.

58th GEORGE 3rd—CHAPTER 18.

An Act to empower and authorize the Justices of the Peace of the County of Charlotte to lease a certain piece of Common Land in the Parish of Saint Andrews, and to invest the proceeds towards the support of the Poor of the said Parish.

Section 1.—What land Justices may lease, and proceeds how to appropriate.

Passed 11th March 1818.

WHEREAS a certain piece of land situated in the Parish of Saint Andrews, in the County of Charlotte, was granted by Letters Patent under the Great Seal of this Province to the Justices of the Peace for the County of Charlotte, in trust for the benefit of the inhabitants of the Town of Saint Andrews, which said piece of land contains ten hundred and fifty two acres, and is bounded and described as follows, to wit :—Beginning at the northeasterly bank or shore of the River Saint Croix, at the southwesterly corner or bounds of lot number thirty eight in the third tract or division of the grant to the Penobscot Association, thence running along the southeasterly line of the same lot northeasterly, until it meets the westerly line of a public road laid off parallel to the westerly or rear line of the lots in the second tract or division of the grant aforesaid, and four poles distant therefrom, thence along the westerly line of the said road, parallel to the rear line of the said lots in the second division of the said grant, southeasterly, until it meets the northeasterly line of a Reserve made by the Surveyor General of Woods, thence along the said line of the said reserve, northwesterly, until an extent of twenty chains of four poles each is completed, thence along the northwesterly line of the said reserve twenty two chains parallel to the northwesterly line of the Town plat of Saint Andrews, thence along the northerly line of the said reserve north seventy four degrees west, until it meets the northeasterly bank of the River Saint Croix, thence along the said bank, up stream, to the bounds first mentioned : And whereas, from the extent of the said tract or parcel of land, a large portion of the same lies in a wilderness state, and is altogether unproductive to the inhabi-

tants of the said Town of Saint Andrews, but if leased, would be a public benefit ;—

Be it therefore enacted, &c.—1. The said Justices of the Peace for the County of Charlotte be and they are hereby authorized and empowered, by good and sufficient leases, to grant and to farm-let such part, not exceeding eight hundred acres, of the hereinbefore described tract or parcel of land, as they in their discretion may think fit, for any term not exceeding twenty one years, and to appropriate the proceeds arising therefrom towards the support of the poor of the said Parish of Saint Andrews.

5th GEORGE 4th—CHAPTER 10.

An Act to provide for making Rules and Regulations for the management of the Poor House in the Parish of Saint Andrews.

Section.

1. Commissioners for Poor House, how appointed, &c.
2. Commissioners, powers respecting poor.

Section.

3. Commissioners, what regulations may make, and how punish for disobedience.
4. Assessment, how to be made for poor.
5. Profits of work, how accounted for.

Passed 11th March 1824.

WHEREAS a Poor House has been erected in the Parish of Saint Andrews, in the County of Charlotte, for the use of the Poor of the said Parish : And whereas, under proper rules and regulations, the said Poor House may be of great advantage to the inhabitants of the Parish ;—

Be it enacted, &c.—1. The Justices of the Peace for the County of Charlotte, in their first General Sessions of the Peace annually, be and they are hereby authorized and empowered to appoint so many fit persons, not exceeding seven, nor less than five, (not more than two of whom shall be Justices of the Peace of the said County,) as they shall think fit, to be Commissioners for the superintending and managing the Poor House in the Parish of Saint Andrews, in the County afore said, who shall be sworn to the faithful discharge of their duty ; and for neglecting or refusing to qualify and perform the same, they shall be subject to the same fines and penalties as Parish officers are by virtue of any Acts made or hereafter to be made for the appointment of Town and Parish officers in the several Counties in this Province.

2. It shall and may be lawful for the Commissioners to be appointed in pursuance of this Act, from time to time to provide such materials and things as they shall judge necessary, for the setting to work and employing such poor persons, of what age or sex soever they be, who may apply for relief, and shall be capable to work, and shall have power and authority, at their discretion, to compel such idle or poor people begging or seeking relief, as do not betake themselves to some lawful employment, or who do or shall hereafter seek and receive alms of the said Parish hereinbefore mentioned, or who may stand in need of relief from the said Parish, to dwell, inhabit, and to work in the said Poor House, and to do all such work as they shall think them able and fit for, and shall have the same powers to bind out poor children apprentices, as are by the laws of this Province given to the Overseers of the poor in the several Towns and Parishes.

3. The said Commissioners to be appointed as aforesaid, shall have power to make such rules, orders, and regulations, for the good government and management of the said Poor House, as they shall find necessary, (such rules and regulations to be approved of by the Justices in their General Sessions,) and to inflict such correction and punishment, by solitary confinement or otherwise, from time to time, as to them shall seem reasonable, on any person or persons within the said Poor House who shall be set to work and shall not conform to such rules, orders, and regulations to be made as aforesaid, or shall misbehave in the same.

4. The said Commissioners shall at the first General Sessions of the Peace to be holden for the said County annually lay before the Justices in their said Sessions, an account, to be audited by the said Justices, of the expenses incurred by them for the support and maintenance of the poor of the said Poor House for the past year, together with an estimate of what sum or sums of money will be needful for the maintenance or employment of the poor of the said house for the current year; which sum or sums of money shall be assessed, levied, and raised in such manner and form as by the laws of this Province is or shall be appointed and directed, and when raised and received, shall be paid to the said Commissioners, for the use aforesaid, and for no other.

5. The profits of any work or labour to be performed under the direction of the said Commissioners, shall be duly accounted for by them, and shall be applied towards the support and maintenance of the persons inhabiting within the said Poor House.

[*Note*.—See Local Acts for York, 10 & 11 G. 4, c. 20.]

5th GEORGE 4th—CHAPTER 20.

An Act to authorize the Justices of the Peace for the County of Charlotte to assess the inhabitants of the Parish of Grand Manan for the erection of a Lock-up House in the said Parish.

Section.

1. Lock-up house for Grand Manan, how erected.

Section.

2. What persons may be committed to lock-up house.
3. Assessment for, how levied.

Passed 17th March 1835.

WHEREAS by reason of the great distance of the Island of Grand Manan from the Shire Town, and the risk, inconvenience, and expense of the removal of persons from thence to the County gaol, the ends of justice are frequently obstructed, and sometimes altogether frustrated; for remedy whereof,—

Be it enacted, &c.—1. His Majesty's Justices of Peace for the said County of Charlotte, or the major part of them at any General Sessions of the Peace, be and they are hereby authorized and empowered to contract and agree with able and sufficient workmen for building and finishing a lock-up house or house of correction at Grand Manan, in the said County, and to agree for such sum or sums of money as to them may seem meet in order to carry this object into effect; and the said Justices, or the major part of them at their General Sessions as aforesaid, are hereby authorized and empowered to make rate and assessment upon the inhabitants of the Parish of Grand Manan, for a sum not to exceed one hundred pounds, for defraying the expense of the erection and finishing the said lock-up house or house of correction, and from time to time to make such rules and regulations for the management of the said lock-up house or house of correction, as to them may seem meet.

2. It shall and may be lawful for the High Sheriff of the

said County, or for any other officer having legal custody of any person or persons who shall or may be arrested on the said Island of Grand Manan, or on any of the Islands adjacent to the same, in all cases in which the said Sheriff or other officer could legally lodge the said person or persons in the common gaol of the said County, to commit the said person or persons to the said lock-up house or house of correction, until the said person or persons can be removed to the said County gaol; provided always, that no person under civil arrest shall be detained in such lock-up house or house of correction for any space of time exceeding twenty days.

3. The said sum of one hundred pounds so to be assessed, shall be assessed, collected, and paid agreeably to any Acts in force for the assessing, collecting, and levying of County rates.

5th WILLIAM 4th—CHAPTER 22.

An Act to authorize and empower the Justices of the Peace for the County of Charlotte to lease a part of the Public Landing at Salt Water in the Parish of Saint Stephen.

Section.

1. Landing at Saint Stephen, what part Justices may lease.

Section.

2. Justices may erect Market House, &c. on the premises; for whose benefit.

Passed 17th March 1835.

WHEREAS a certain piece of land, beach, and flats, situate in the Parish of Saint Stephen, in the County of Charlotte, was granted by Letters Patent under the Great Seal of this Province to the Justices of the Peace for the County of Charlotte, in trust for a public landing in and for said Parish; which said piece of land is bounded and described as follows, to wit:—Beginning at a post placed in the southwestern boundary line of the garden lot numbered one in Jones' division of the Town plat of Saint Stephen, at the northwestern angle of Aaron Upton's wharf, thence running by the magnetic needle north sixty five degrees west one chain (of four poles) and ninety five links along the said boundary line to the southeastern side of the public street, thence along the line of the said street south twenty five degrees west seventy two links, thence along the bank, bounded by the public wharf, to the northwestern side of said street, thence south twenty five degrees west three

chains and five links to the shore of the River Saint Croix at low water mark, thence along the line of the said low water mark till it meets a line running south twenty five degrees west from the place of beginning, and thence along said line north twenty five degrees east four chains and forty five links to the place of beginning: And whereas improvements might be made upon the said public landing which would be beneficial to the said Parish;—

Be it enacted, &c.—1. The said Justices of the Peace for the County of Charlotte be and they are hereby authorized and empowered, by good and sufficient leases, to grant and to farm-let such part of the said public landing as they in their discretion may think fit, for any term not exceeding twenty years.

2. The said Justices of the Peace for the County of Charlotte are hereby further authorized and empowered to erect on the said premises a public market house, and such other buildings or fabrics as may from time to time be deemed necessary to be erected for the accommodation thereof, and also to erect thereon such wharves, stores, and other fabrics as they shall from time to time deem expedient and beneficial to the said Parish of Saint Stephen; the proceeds, profits, and income of every kind whatsoever, which may be derived from the said public landing, and the buildings, erections, and improvements thereon, shall be appropriated for the benefit of the Town or Parish of Saint Stephen.

4th VICTORIA—CHAPTER 10.

An Act to provide for more effectually repairing the Streets and Bridges in a part of the Parish of Saint Stephen.

Section.

Section.

1. What money to be paid in lieu of statute labour in Saint Stephen.

2. How levied and paid over.

Passed 19th March 1841.

Be it enacted, &c.—1. All persons liable to perform labour on the streets and highways in that part of the Parish of Saint Stephen, in the County of Charlotte, which is included within the following limits, to wit:—Commencing at the mouth of Dennis' or Porter's Mill stream, and extending to the residence of Robert M. Todd in Mill Town, and between the River Saint Croix and a line drawn one mile back from the said

river, shall in future, in lieu of such labour, annually pay the sum of [the words here omitted are repealed by 14 V. c. 8, s. 1,] for each and every day's labour such persons are respectively liable to perform.

2. The moneys required to be paid in virtue of this Act shall be assessed, levied, and collected in the same manner as any Parish or County rates are assessed, levied, and collected by virtue of any law now in force, or which may hereafter be in force for that purpose in this Province; and when collected, such moneys shall be paid over to the Commissioners of Highways for the said Parish, to be by them expended on the streets and bridges within the above described limits, in the same manner as any moneys by them received in lieu of labour have been hitherto by law expended.

4th VICTORIA—CHAPTER 11.

An Act to authorize the Justices of the Peace for the County of Charlotte to assess the Parish of Saint Stephen, in the said County, for the erection of a Wharf on the Public Landing at Salt Water in said Parish.

Section.

Section.

1. Assessment for erecting Wharf at Saint Stephen.

2. How assessed, &c.

Passed 19th March 1841.

Be it enacted, &c.—1. The Justices of the Peace for the County of Charlotte, or the major part of them at any General Sessions of the Peace to be holden in and for the said County, be and they are hereby authorized and empowered to make a rate and assessment on the Parish of Saint Stephen, in the said County of Charlotte, for a sum not exceeding four hundred pounds, for defraying the expense of building, erecting, and finishing a wharf at the public landing at Salt Water in the said Parish, for the use of the same, and to make such regulations not inconsistent with the grant of the said public landing, or any previous Act of Assembly relating to the same, for the said wharf, as to them may seem meet; provided always, that no greater sum than one hundred pounds shall be assessed by virtue of this Act in any one year.

2. The said sum, not exceeding four hundred pounds, so to be assessed as aforesaid, shall be assessed, collected, and paid

agreeably to any Acts in force for assessing, collecting, and levying of County or Parish rates.

5th VICTORIA—CHAPTER 2.

An Act to authorize the Justices of the Peace for the County of Charlotte to make regulations for the Market Wharf in the Parish of Saint Stephen.

Section

1. Market Wharf at Saint Stephen, Justices
how to regulate, &c.

Section.

2. Justices to appoint Wharfinger, &c.

Passed 29th March 1842.

WHEREAS a certain piece of land, beach, and flats, situate in the Parish of Saint Stephen, has been granted to the Justices of the Peace for the County of Charlotte, in trust for a public landing in and for said Parish: And whereas by an Act of Assembly made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to authorize and empower the Justices of the Peace for the County of Charlotte to lease a part of the Public Landing at Salt Water, in the Parish of Saint Stephen*, the Justices aforesaid are authorized to erect thereon wharves, stores, and other buildings as they may think beneficial to the said Parish of Saint Stephen: And whereas a Market Wharf has been built on said public landing;—

Be it enacted, &c.—1. The Justices of the Peace for the County of Charlotte, at their General Sessions, shall and may and they are hereby authorized and empowered to make such orders and regulations for the due ordering of vessels lying at the said Market Wharf in Saint Stephen, or coming to or removing from the same, and for the lading or unlading of goods and merchandize at the said Market Wharf, and for the preventing nuisances, encumbrances, and obstructions, for the depositing and leaving of goods and merchandize, or otherwise howsoever, on the said Market Wharf, and generally for the safe keeping and well ordering of the said Market Wharf in all respects, or in respect of any extension of the said Market Wharf which may be hereafter made, and from time to time to repeal, alter, and amend such orders and regulations, and to substitute others in their place, as to the said Justices or the major part of them at such General Sessions may seem fit and

reasonable, and to enforce such orders and regulations by pecuniary fines and penalties, so as always that such fines and penalties shall not in any case exceed the sum of forty shillings, which shall be sued for and recovered on the oath of one or more credible witness or witnesses before any Justice of the Peace for the said County, and be levied by warrant of distress and sale of any goods and merchandize that by conviction of such Justice may appear to be an encumbrance or nuisance on the said wharf contrary to the said regulations, or otherwise by warrant of distress and sale of the goods and chattels of the offender, rendering the overplus, if any, after deducting the charges of prosecution and sale, to the owner or owners of such goods, or the offender or offenders, as the case may be; such fines and penalties to be paid one moiety to the Wharfinger of the said wharf, to be appointed as hereinafter directed, and the remainder to the Overseers of the poor of the said Parish of Saint Stephen for the use of the poor of the said Parish.

2. The said Justices of the Peace for the County of Charlotte shall and may at the time of making the annual appointment of Town and Parish officers, have power and authority to appoint a fit person to be a Wharfinger of the said Market Wharf, who shall be sworn to the faithful discharge of his duty, and shall be in every respect subject to the same rules and regulations, penalties and forfeitures, as any other Town or Parish officers are or shall be subject to, by virtue of any laws now in force or hereafter to be enacted for the appointment and regulation of Town and Parish officers in the several Counties of this Province, and it shall be the duty of the said Wharfinger to carry into force and effect the orders and regulations of the said Justices so to be made as aforesaid, respecting the said Market Wharf which hereafter may be made, and the said Wharfinger shall receive and collect all wharfage, dockage, and other dues and emoluments arising from the said wharf, and pay over the same to the order of the Magistrates of Saint Stephen, after deducting such reasonable compensation as the Justices aforesaid at their General Sessions shall direct, to be applied towards the liquidation of any taxes required to be raised in the said Parish of Saint Stephen, or towards the extension and improvement of the said wharf, and in his own name to collect, sue for, and recover all fines

and penalties incurred under the said regulations, and also the wharfage, dockage, dues, and emoluments arising from the said public Market Wharf, and to account from time to time to the said Justices at their General Sessions, as they at such General Sessions shall from time to time order and direct.

11th VICTORIA—CHAPTER 42.

An Act to provide for the more effectually repairing the Streets and Bridges in the Town Plat of Saint Andrews.

Section.

1. Statute labour in Saint Andrews, what rate for.

Section.

2. Moneys for, how assessed, &c.
3. Limitation.

Passed 30th March 1848.

WHEREAS the rate now payable by persons liable to perform Statute Labour within the Town Plat of Saint Andrews is unnecessarily high for the requirements thereof;—

Be it enacted, &c.—1. All persons liable to perform statute labour on the Streets and Bridges within the Town plat of Saint Andrews, in the County of Charlotte, shall in future pay the sum of one shilling and three pence for each and every day's labour such persons are respectively liable to perform.

2. The moneys required to be paid by virtue of this Act shall be assessed, levied, and collected in the same manner as any Parish or County rates are assessed, levied, and collected by virtue of any law now in force or hereafter to be in force for that purpose in this Province; and such moneys, when collected, shall be paid over to a Commissioner of Highways to be appointed for that purpose in the same manner and by the same authority as Commissioners of Highways are now appointed, to be by him expended on the streets and bridges within the above described limits, in the same manner as any moneys received in lieu of statute labour have been hitherto expended.

3. This Act shall continue and be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and fifty.—[Continued by 18 V. c. 42.]

12th VICTORIA—CHAPTER 27.

An Act to provide for the more effectually repairing the Roads and Bridges in the Parishes of Campo Bello and Grand Manan.

Section.

1. Statute Labour in Campo Bello, &c., what rate for.
2. How assessed.

Section.

3. Commissioners, how appointed for each Parish.
4. Limitation.

Passed 27th March 1849.

WHEREAS from the scattered state of the population of the Parishes of Campo Bello and Grand Manan, the present Highway Act cannot properly be carried into effect;—

Be it therefore enacted, &c.—1. All persons liable to perform statute labour on the roads and bridges in the Parishes of Campo Bello and Grand Manan, in the County of Charlotte, shall in future pay the sum of one shilling and three pence for each and every day's work such persons are respectively liable to perform.

2. The moneys required to be paid by virtue of this Act shall be assessed, levied, and collected in the same manner as any Parish or County rates are assessed, levied, and collected by virtue of any law now in force or hereafter to be in force for that purpose in the Province; and such moneys, when collected, shall be paid over to the Commissioners of Highways for the respective Parishes, to be expended for the districts in which they are collected.

3. There shall be annually appointed at the April Sessions of the Peace, three Commissioners for each Parish for that purpose, in the same manner and by the same authority as Commissioners of Highways are now appointed; which said moneys shall be by them expended by public contract, or by sale at auction, on the roads and bridges within the said Parishes.

4. This Act shall continue and be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and fifty five.—[Continued by 18 V. c. 43.]

14th VICTORIA—CHAPTER 8.

An Act to amend an Act relating to the repairing of the Streets and Bridges in a part of the Parish of Saint Stephen.

Section 1.—Money rate for labour, how reduced.

Passed 28th March 1851.

Be it enacted, &c.—1. Instead of two shillings and six pence in lieu of each day's labour required by an Act passed in the fourth year of the present Reign, intituled *An Act to provide for more effectually repairing the Streets and Bridges in a part of the Parish of Saint Stephen*, the sum of one shilling and three pence only in lieu of each day's labour shall in future be required, and the scale of labour shall be the same as that established by the seventeenth Section of an Act passed in the thirteenth year of the present Reign, intituled *An Act relating to Highways*.

16th VICTORIA—CHAPTER 16.

An Act to authorize the Justices of the Peace for the County of Charlotte to assess the inhabitants of the Parish of Saint Stephen for the erection of a Lock-up House in the said Parish.

Section.

1. Assessment for building Lock-up House.
2. Authority to commit to Lock-up House.

Section.

3. Assessment, how made.

Passed 14th April 1853.

WHEREAS the Lock-up House in the Parish of Saint Stephen has been destroyed by fire: And whereas by reason of the distance of the said Parish from the Shire Town, and the risk, inconvenience, and expense of the removal of persons from thence to the County Gaol, it is deemed advisable and necessary that another Lock-up House should be built;—

Be it therefore enacted, &c.—1. Her Majesty's Justices of the Peace for the said County of Charlotte, or the major part of them at any General Sessions of the Peace, shall be and they are hereby authorized and empowered to contract and agree with able and sufficient workmen, for building and finishing a lock-up house or house of correction at Saint Stephen, in the said County, and to agree for such sum or sums of money as to them may seem meet, in order to carry this object into

effect; and the said Justices or the major part of them at their General Sessions as aforesaid, are hereby authorized and empowered to make rate and assessment upon the inhabitants of the Parish of Saint Stephen for a sum not exceeding one hundred and fifty pounds, for defraying the expense of the erection and finishing the said lock-up house or house of correction, and from time to time to make such rules and regulations for the management of the said lock-up house or house of correction as to them may seem meet.

2. It shall and may be lawful for the High Sheriff of the said County, or for any other officer having legal custody of any person or persons who shall or may be arrested in the said Parish of Saint Stephen, or in any of the Parishes adjacent to the same, in all cases in which the said Sheriff or other officer could legally lodge the said person or persons in the common gaol of the said County, to commit the said person or persons to the said lock-up house or house of correction until the said person or persons can be removed to the said County gaol; provided always, that no person under civil arrest shall be detained in such lock-up house or house of correction for any space of time exceeding forty eight hours.

3. The said sum of one hundred and fifty pounds so to be assessed, shall be assessed, collected, and paid agreeably to any Act in force for the assessing, collecting, and levying of County rates.

16th VICTORIA—CHAPTER 18.

An Act for the better and more effectual securing the navigation of the River Saint Croix, in the County of Charlotte.

Section.

1. Penalties for throwing Slabs, &c. into River.
2. Owners, &c. of Mills, how liable.

Section.

3. Commencement of Act.
4. Limitation.

Passed 14th April 1853.

WHEREAS on the River Saint Croix, in the Parish of Saint Stephen, there are a number of machines for sawing laths, clapboards, and other small lumber, the slabs and refuse of which are generally thrown into said river, filling up the channel and obstructing the navigation thereof;—

Be it therefore enacted, &c.—1. All and every owner, lessee, or agent of any mill engaged in the manufacture of any description of sawed lumber on the said River Saint Croix, in the Parish of Saint Stephen, who shall throw or allow to be thrown out of their or any or either of their mills, any slabs or other waste lumber into said river, that may tend to fill up the channel of said river, shall be liable to pay a fine of five pounds for the first offence, and ten pounds for the second and every succeeding offence, to be recovered with costs of suit by plaint or information had or made before any one of Her Majesty's Justices of the Peace for the County of Charlotte; the said fine to be given for the use of the poor in the Parish where the offence may be committed, and in case of the non-payment of said fine, the parties to stand committed to the County gaol until paid.

2. Each and every of the said owners, lessees, agents, or labourers in said mills, are severally liable for said fine, whether the act of throwing in such waste stuff be committed by themselves or those in their employ or under their control; and the said parties subject to said fines, may have recourse, under this Act, to recover such fines and costs from the parties actually throwing in such waste stuff or lumber, in the way and in the same manner as said fine is collected of them.

3. This Act shall come into operation at such time as may be fixed therefor by Proclamation of His Excellency the Lieutenant Governor, on his being satisfied that a law has been passed by the Legislature of the State of Maine, or by other competent authority of the United States of America, with similar provisions for more effectually securing the navigation of the said river within the said State of Maine.

4. This Act shall not continue to be in force for a longer period than the first day of May which will be in the year of our Lord one thousand eight hundred and sixty.

16th VICTORIA—CHAPTER 39.

An Act to revive and amend an Act to regulate the Herring Fishery in the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield, and Saint George, in the County of Charlotte.

Section.

1. Setting of seines, &c. in Grand Manan, &c., how restricted.

Section.

2. Penalty for breach of law; recovery and application.

Section.

3. In what weirs gates may be ordered to be made, and by whom.
4. Nets, &c. set contrary to law, who may seize.

Section.

5. Gurry ground, how marked out, &c.
6. Penalties of two last Sections, how sued for, &c.

Passed 3rd May 1853.

WHEREAS great injury has been done to the Herring Fishery within the County of Charlotte by the erection of weirs, fish-garths, and other obstructions, and the placing and setting of seines and nets across the several havens, rivers, creeks, and harbours therein ;—

Be it enacted, &c.—1. No seine or net shall be set across the mouth of any haven, river, creek, or harbour within the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield, and Saint George, in the County of Charlotte, and no seine or net shall be set in any such haven, river, creek, or harbour, which shall extend more than one third the distance across the same, or be within forty fathoms of each other, or which shall be set within twenty fathoms of the shore at low water mark of the same.

2. Any person offending against the preceding Section, upon due conviction thereof, or by confession before one of Her Majesty's Justices of the Peace for the County of Charlotte, shall for the first offence forfeit the sum of five pounds, to be levied by warrant of distress and sale of the offender's goods ; and for the second offence shall forfeit the sum of ten pounds, to be recovered with costs in an action of debt in any Court of Record in this Province ; and for the third and any subsequent offence, shall forfeit the sum of fifteen pounds, to be recovered with costs in like manner ; one half of such penalties, when recovered, to be paid to the Overseers of the poor of the Parish where the offence was committed, for the use of the poor, and the other half to the person who shall sue for the same.

3. Every fish weir in the Parishes before mentioned which is dry at low water, or which in the opinion of the Wardens of the fisheries for the County of Charlotte requires the same, shall have a gate therein of such width and in such position as the said Wardens may determine ; and the owner or occupier of any fish weir who shall neglect or refuse to place a gate therein according to the directions of the said Wardens shall forfeit and pay the sum of five pounds for each day he shall so neglect and refuse after due notice.

4. The said Wardens and the Overseers of the fisheries in the Parishes before mentioned, shall severally have power to seize and remove any net, hedge, weir, fishgarth, seine, or other obstruction, set or placed contrary to the provisions of this Act, and after five days notice may sell the same in some public place in the Parish where the seizure is made, together with any fish found therein; after deducting from the proceeds the charges of such seizure and sale, the residue shall be applied to the payment of any penalty incurred under this Act, and the overplus (if any) shall be paid to the Overseers of the poor for the Parish where the offence was committed, for the use of the poor thereof.

5. The said Wardens shall have power to mark out and designate in proper positions at the Island of Grand Manan and other fishing stations in this Province, if necessary, fit places for the deposit of fish offal, to be called "gurry grounds;" they shall post up notices in the said Island at the several school houses, describing the limits and position of such "gurry grounds," and publish the like notice in the Royal Gazette; and if after the posting and publication of such notice, any person shall cast overboard from a boat or vessel the heads, bones, or other offal of fish into the waters of or near the Island of Grand Manan, at any place except the said "gurry grounds," such person shall forfeit and pay a fine not exceeding five pounds nor less than ten shillings for each offence.

6. The penalties in the two preceding Sections may be sued for and recovered by summary proceedings before one or more Justices of the Peace, together with costs, and when recovered shall be paid over to the person who shall prosecute for the same.

17th VICTORIA—CHAPTER 38.

An Act to provide for the more effectually repairing the Highways, Streets, and Sidewalks in the Milltown Highway District, in the Parish of Saint Stephen.

Section.

1. Money to be taken in lieu of labour.
2. How to be assessed, collected, and to whom paid.

Section.

3. Continuance of Act.

Passed 1st May 1854.

WHEREAS the rate now payable by persons liable to perform

statute labour within the Highway District of Milltown, by virtue of the nineteenth Section of an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act relating to Highways*, is too low for the requirements thereof;—

Be it therefore enacted, &c.—1. Each and every person liable to perform more than four days statute labour within the said Milltown Highway District, in the Parish of Saint Stephen, who may prefer paying money to doing such labour, shall from and after the passing of this Act pay the sum of three shillings for each and every day's labour, over and above the first four days such person is liable to perform, in lieu of one shilling and three pence per diem as he may now do by said Section.

2. The moneys required to be paid by virtue of this Act shall be assessed, levied, and collected in the same manner as any Parish or County rates are assessed, levied, and collected by virtue of any law now in force for that purpose in this Province; and such moneys, when collected, shall be paid over to the Commissioner of Highways for said district, to be by him expended on the highways, streets, and sidewalks within the said district, agreeably to the said Section of the said Act.

3. This Act shall continue and be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and sixty.

K I N G ' S .

1st WILLIAM 4th—CHAPTER 41.

An Act to authorize the Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Kingston, to convey their right to the land whereon the Court House has been erected, to the Justices of the Peace of King's County, in exchange for other land, and to establish a Public Square in the said Parish.

Section.

1. Tract of land for Court House, &c., to whom to be conveyed, &c.
2. What land to be conveyed by Justices, &c.

Section.

3. What land to be deemed a public square, &c.
4. What rights reserved.
5. Act deemed public.

Passed 31st March 1831.

WHEREAS the legal title to the land on which the Court House of King's County has been erected is claimed by the Rector, Church Wardens, and Vestry of the Parish of Kingston, as vested in them; but they are nevertheless desirous and willing to convey the same to the Justices of the Peace in and for the said County, and their successors, upon the said Justices conveying to the said Rector, Church Wardens, and Vestry, a certain other piece of land situate in the said Parish of Kingston; both of which said parcels of land are hereinafter described;—

Be it therefore enacted, &c.—1. Upon the receipt of a good and sufficient title, conveyance, and assurance from the said Justices of the Peace of King's County, of all that certain lot, piece, or parcel of land situate in the Parish of Kingston, being part of a tract heretofore granted to the Justices of the Peace of King's County aforesaid, by Letters Patent under the Great Seal of the Province of New Brunswick, bearing date the thirtieth day of October in the year of our Lord one thousand eight hundred and seven, in trust for the use, benefit, and behoof of the inhabitants of the said County, to erect thereon a Gaol and Court House, and for other public uses, profits, and benefits of the said inhabitants; the said piece so intended to be conveyed being bounded as follows, viz:—Commencing at the southern angle of the said tract, thence running north forty five degrees east sixteen chains to the eastern angle of the said tract; thence along the division line between

the said tract and the Kingston glebe lot, eight rods ; thence south forty five degrees west, on a line parallel to the first described boundary, till it meets the southwest line of the said tract, and thence following the said last mentioned line to the place of beginning, containing three acres, with all the rights, members, and appurtenances thereunto belonging, to be made to the said Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Kingston, and their successors for ever ; they the said Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Kingston, be and they are hereby authorized and empowered by good and sufficient deed, to grant, bargain, sell, and convey unto the said Justices of the Peace in and for King's County, all that certain lot, piece, or parcel of land situate in the said Parish of Kingston, and bounded and described as follows, that is to say :—The front or northerly line of the said lot to be twelve feet distant from and parallel to the front of the said Court House, and to extend the whole width of the said Court House and fourteen feet beyond on each side, so as to make a front of eighty eight feet, and the said lot to extend back, preserving the same width of eighty eight feet, until it meets the line of land belonging to George Raymond and Achsah Raymond, the side lines to be at right angles with the said front line, together with the rights, members, and appurtenances thereunto belonging ; to hold to the Justices of the Peace of King's County for the time being, in trust for the use, benefit, and behoof of the inhabitants of the said County, for the purpose of erecting, maintaining, and keeping thereon the Court House of the said County from henceforth for ever, and for no other use or purpose.

2. The Justices of the Peace of the said County shall be and they are hereby authorized and empowered at any Court of General Sessions of the Peace for the said County, by good and sufficient deed under the Seal of the said Court, to grant, bargain, sell, and convey unto the said Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Kingston, and their successors for ever, the said lot, piece, or parcel of land first hereinbefore described, being part of the said tract so granted to them for public purposes as aforesaid, and held by them by virtue of the said grant and the Act of Assembly in such case made and provided.

3. And whereas all that parcel of land lying in front of the said Court House in the said Parish of Kingston, bounded northerly by the Church yard of Trinity Church, easterly by the highway, and westerly by the land of the said Reverend Elias Scovil and George Raymond, has for many years past been used by the inhabitants of the said County as a public and open square; and it is the desire of the said Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Kingston, and the said Justices of the Peace of King's County, that the same open space, and also the land adjoining thereto, belonging to the said Rector, Church Wardens, and Vestry, on each side of the lot so intended to be conveyed to the Justices of the Peace for the purpose aforesaid, should be recognized and established by law as a public square;—The said open space above described, together with the land adjoining thereto and extending therefrom to the line of Messieurs Raymonds' land lying on each side of the said Court House lot, and bounded westerly by the land of the Reverend Elias Scovil and George Raymond, and easterly by the public road or highway, shall for ever hereafter continue and be a public and open square; and it shall not be lawful to erect or place any buildings or encumbrances thereon; and all or any buildings or encumbrances erected or placed thereupon shall be deemed and taken to be public nuisances, in the same manner to all intents and purposes as if the same were placed on any public road or highway in the said Parish.

4. Nothing in this Act contained shall take away or affect, or be construed to take away or affect the right and title of the King's Majesty, His Heirs and Successors, or the rights of any person or persons, body politic or corporate whatsoever, other than the said Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Kingston, and the said Justices of the Peace of the said County, in behalf of the inhabitants of the said County, as before particularly set forth.

5. This Act shall be deemed and taken to be a public Act, and as such judicially noticed without being specially set forth or pleaded.

QUEEN'S.

2nd VICTORIA—CHAPTER 34.

An Act to provide for making and maintaining a Canal across Grimross Neck, in Queen's County.

Section.

1. Repealed.
2. Canal, how to be made, and ground occupied.
3. Compensation for land required.

Section.

4. What injury to works, made felony.
- 5 & 6. Repealed.
7. Canal, &c., to be public property.

Passed 23rd March 1839.

WHEREAS the cutting a Canal across Grimross Neck, in Queen's County, would greatly facilitate the navigation of the River Saint John, and advance the general interests of the Province ;—

Be it therefore enacted, &c.—1. Repealed by 17 V. c. 36, s. 1.

2. It shall and may be lawful to and for the said Commissioners, their agents, servants, workmen, and assistants, and they are hereby authorized and empowered to design, erect, order, dig, excavate, and build, and to complete, maintain, and keep in repair a Canal across the isthmus or neck of land commonly called Grimross Neck, in Queen's County, at such place as they may deem most advisable and fit for such Canal, whether on private property or on a public highway, and to dig and make proper foundations in the River Saint John and Gagetown Creek, and on the lands and grounds lying on each side of said Canal, and to cut and level the banks of the said river and creek in such manner as may be necessary and proper for making the said Canal, and to cut, remove, take, and carry away all and every impediment whatever, which may in any wise tend to hinder or impede the erecting and completing the said Canal, and to execute all other things requisite and necessary, useful, or convenient for erecting, digging, maintaining, and supporting the said Canal, according to the true intent and meaning of this Act ; and further, that they may from time to time enter and go in and upon the lands and grounds adjacent to the said Canal for the purpose of making surveys, examinations, or other necessary arrangements for fixing the site of the said Canal ; and further, that for the purpose of erecting, digging, building, maintaining, repairing, and supporting the said Canal, the Commissioners shall from

time to time have full power and authority to land and place on either side of said Canal, within twenty yards of the same, all materials and other things to be used in and about the same, and there to work and use such materials and things according as they the said Commissioners, and the persons to be by them appointed, shall think proper, without any previous agreement with the owner or owners of the land, doing as little damage as may be, and making such satisfaction as hereinafter mentioned to the respective owners and occupiers of all lands and grounds, tenements and hereditaments which shall be used and occupied, altered, damaged, spoiled, taken, or made use of by means or for the purposes of this Act.

3. The said Commissioners shall make, allow, and pay reasonable and proper compensation and satisfaction for all lands, tenements, and hereditaments taken, used, and occupied, altered, damaged, or spoiled by means of and for the uses and purposes of this Act, to be agreed upon by the said Commissioners and the respective owners and occupiers of such lands, tenements, and hereditaments; and in case of disagreement between them or any of them, then such compensation and satisfaction shall be determined by three arbitrators, one to be chosen by the said Commissioners, and one by the owner or owners, occupier or occupiers of the private property in question; which two arbitrators so chosen shall choose the third arbitrator, and in case of their not agreeing in such choice within ten days after their appointment, then and in such case it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, upon application of the said Commissioners, to appoint the third arbitrator; the award of the said arbitrators or any two of them shall be final and conclusive in the matters referred to them; and the amount adjudged and awarded to them respectively shall be paid by the said Commissioners within thirty days after such award shall be duly made and delivered; and in case any of the said owners or occupiers of such property shall decline or refuse to make such agreement or appoint such arbitrator, then and in such case it is hereby declared that such person or persons so declining or refusing shall have no other remedy, either at law or in equity against the said Commissioners for any loss or damage which he, she, or they may sustain by reason of making, erecting, digging, building, finishing, and maintaining such Canal.

4. If any person or persons shall wilfully or maliciously, and to the prejudice of the said undertaking, break, damage, throw down, destroy, injure, or remove any of the works to be erected, or materials to be used by virtue of this Act, any such person or persons so offending shall be deemed and adjudged guilty of felony, and being lawfully convicted thereof shall be liable and subject to the punishment prescribed for felony in and by an Act made and passed in the first year of the Reign of His late Majesty King William the Fourth, intituled *An Act for improving the administration of Justice in criminal cases*.

5 & 6. Repealed by 17 V. c. 36, s. 1.

7. The said Canal, and all and singular the lands on either side taken in the manner hereinbefore pointed out, and all roads and paths along the same, and all other the appurtenances to the said lands and Canal belonging, shall be deemed and taken to be public property of the Province, and under the control of the Legislature thereof, and shall be free from any toll or charge.

4th VICTORIA—CHAPTER 7.

An Act to extend the provisions of an Act intituled *An Act to enable the Commissioners of Highways in the Parishes of Maugerville, Sheffield, and Waterborough, to lay out Highways, and to appropriate part of the Statute Labour for securing the Bank of the River in front of those Parishes*, to the Parish of Gagetown, in Queen's County.

Section 1.—Act 45 G. 3, c. 13, extended to Gagetown.

Passed 19th March 1841.

Be it enacted, &c.—1. From and after the passing of this Act, an Act made and passed in the forty fifth year of the Reign of His Majesty King George the Third, intituled *An Act to enable the Commissioners of Highways in the Parishes of Maugerville, Sheffield, and Waterborough, to lay out Highways, and to appropriate part of the Statute Labour for securing the Bank of the River in front of those Parishes*, and all the provisions thereof, be and the same are hereby extended to the Parish of Gagetown, in Queen's County.

[*Note.*—See Local Acts for Sunbury, 45 G. 3, c. 13.]

17th VICTORIA—CHAPTER 36.

An Act in amendment of an Act to provide for making and maintaining a Canal across Grimross Neck, in Queen's County.

Section.

1. Repeal of Sections of what Act.
2. Commissioner appointed, by whom.

Section.

3. Commissioner's powers.

Passed 1st May 1854.

WHEREAS the necessary information relating to the construction of a Canal across Grimross Neck, in Queen's County, has now been obtained, and it is thought that the work can be carried on and completed more efficiently and economically under the superintendence of one Commissioner ;—

Be it therefore enacted, &c.—1. The first, fifth, and sixth Sections of an Act made and passed in the second year of the Reign of Her present Majesty, intituled *An Act to provide for making and maintaining a Canal across Grimross Neck, in Queen's County*, be and the same are hereby repealed.

2. It shall and may be lawful for the Lieutenant Governor to appoint one fit and proper person to be a Commissioner for opening, cutting, finishing, and maintaining a Canal across Grimross Neck, in Queen's County, and to remove such Commissioner at pleasure, and to appoint another in his stead.

3. Such Commissioner shall have all the powers and authority as were in and by the said Act vested in the three Commissioners.

SUNBURY.

34th GEORGE 3rd—CHAPTER 9.

An Act for preserving the Bank of the River Saint John in front of the Parishes of Maugerville, Sheffield, and Waterborough.

Section.

1. When neat cattle not permitted to go at large.
2. When pound keeper may sell impounded cattle, &c.

Section.

3. Justices, when may cause gates to be erected, &c.
4. To what this Act shall not extend.
5. Limitation.

WHEREAS the annual overflow of the River Saint John washes away large portions of very valuable land on its banks in front of the Parishes of Maugerville and Sheffield, in Sunbury County, and the upper part of Waterborough Parish, in Queen's County, and frequently obliges the inhabitants to remove their houses, fences, and other improvements, to their great damage and inconvenience: And whereas the pasturing of cattle on the said banks contributes greatly to this alarming waste of land, and prevents grass and bushes when planted from growing, binding, and preserving the ground;—

Be it enacted, &c.—1. No neat cattle, horses, sheep, swine, or goats, shall be suffered to go at large in the highway, or graze on the bank of the River Saint John, in front of the Parishes of Maugerville and Sheffield, and the upper part of Waterborough Parish, as far as the upper line of Benjamin Birdsall's land, between the tenth day of March and the tenth day of November annually, and if any person or persons shall find any such cattle going at large or grazing as aforesaid, such persons are hereby authorized to take and drive the same to the nearest pound, and the pound keeper shall receive and detain the same until the owner or owners shall pay the penalty of three shillings for each neat cattle or horse, and one shilling for each sheep, swine, or goat, and also one shilling per day to the pound keeper for feeding each neat cattle or horse, and four pence per day for feeding each sheep, swine, or goat, together with the usual charges for crying the same, within fourteen days after they shall be so impounded; one half of which penalties shall be for the use of the poor in such Parish where the offence may be committed, and the other half to the person or persons who shall impound the same; and may be

sued for and recovered before any one of His Majesty's Justices of the Peace.

2. In case the owner or owners of such neat cattle, horses, sheep, swine, or goats so impounded, shall neglect or refuse to pay the aforesaid penalties and charges, then the said pound keeper is hereby authorized to sell publicly so many of them as may be necessary for that purpose, and the overplus money arising from such sale shall be paid by the said pound keeper to the owner or owners thereof.

3. The Justices in their General Sessions within the respective Counties where such Parishes lie, are hereby authorized to cause to be erected and kept up across said highway from the said tenth day of March to the said tenth day of November, two strong swing-gates of suitable width, and a water-fence adjoining to each gate, one of which gates so to be kept up, to be erected at or near the upper line of the Parish of Mauger-ville, and the other at or near the upper line of the lands of Benjamin Birdsall, in the said Parish of Waterborough; and the said Justices shall also cause two suitable posts of wood, one on each side of each gate, to be fixed firmly in the ground, with notches cut into the said posts for steps for the benefit of travellers; and the said Justices are hereby also authorized and required to order an assessment of the expense of erecting the said gates, fences, and posts, to be made on the freeholders and inhabitants residing within the district of the Parishes where such gates, fences, and posts are hereby authorized to be set up; and if any person or persons shall wantonly leave open, pull down, or destroy such gate or gates, water-fences or posts, such offender or offenders upon conviction, shall pay double costs or damage as may be awarded to any person or persons whatsoever, to be sued for and recovered in manner aforesaid; and in case of inability to pay the same, shall suffer one month's imprisonment without bail or mainprize.

4. This Act shall not extend to any neat cattle, horses, or other stock which may be travelling along said road from one part of this Province to another.

5. This Act shall be and remain in full force for and during the term of two years, and no longer.

41st GEORGE 3rd—CHAPTER 9.

An Act for preserving the Bank of the River Saint John in front of the Parish of Lincoln, in the County of Sunbury.

Section.

1. Intervale land, where fenced, &c.
2. Swing-gate, where to be erected.

Section.

3. Penalties for blocking up, &c. gate.
4. Limitation.

Passed 21st March 1801.

WHEREAS the pasturing of neat cattle, horses, sheep, goats, or swine in the Spring and during the Summer season, on the slope of the bank of the River Saint John, along the intervale lands in the Parish of Lincoln, both prevents the growth and occasions the destruction of bushes, which contribute greatly to bind the soil and preserve it from being washed away during the freshes ;—

Be it enacted, &c.—1. From and after the passing of this Act, every person who pastures intervale land in the said Parish or any part thereof fronting on the said river, shall keep up a fence along the front of the land so pastured of the legal height, or at least sufficient to confine his neat cattle, horses, sheep, goats, or swine within the same ; and if he do neglect to keep up such fence as aforesaid, his neat cattle, horses, sheep, goats, or swine, shall be liable, when found trespassing on the slope of the said bank, to be impounded and dealt by according to the provisions of an Act made and passed this present Session, intituled *An Act to repeal all the Acts now in force relating to Trespasses, and for making new regulations to prevent the same.*

2. And whereas horses and cattle frequently go from Frederickton and other places, down on a long and narrow tongue of low intervale land extending to and terminating at the mouth of the River Oromocto, and from thence spread along the bank of the aforesaid River Saint John, throughout the extent of the said Parish ;—The Commissioners of Highways in the said Parish shall, from and after the passing of this Act, be empowered and they are hereby directed to erect one strong swing-gate across the public road on the upland adjoining to the said tongue of intervale, either on the lot now belonging to Thomas Knox, Esquire, or on that now belonging to and occupied by Lemuel Wilmot, Esquire, as to them in their discretion shall seem most convenient, and to keep the same

in repair ; the expense of which erection and repairs they are hereby authorized to pay by ordering an assessment to be made for the said purposes on the owners or occupiers of the said lands as above described, by the Parish assessors.

3. No person or persons between the first day of May and the first day of September, shall block up and fasten, or prop open the said gate and so leave the same, under the penalty of ten shillings ; or wantonly or maliciously take down or destroy the said gate, under the penalty of three pounds ; to be recovered upon conviction before any one of His Majesty's Justices of the Peace for the said County, upon the oath of one or more credible witness or witnesses, and to be levied by warrant of distress and sale of the offender's goods, under the hand and seal of such Justice, rendering the overplus, if any, after deducting the cost and charges of the distress and sale, to the offender ; which penalty and forfeiture shall be applied to the erection, maintaining, and keeping of the said gate in repair, and shall be paid into the hands of the Commissioners of Highways for the said Parish for the said purpose ; and such offender or offenders shall be further liable to an action of trespass for any damages sustained thereby.

4. This Act shall continue and remain in force for five years, and no longer.

45th GEORGE 3rd—CHAPTER 13.

An Act to enable the Commissioners of Highways in the Parishes of Maugerville, Sheffield, and Waterborough, to lay out Highways, and to appropriate part of the Statute Labour for securing the Bank of the River in front of those Parishes.

Section.

1. Commissioners may alter Highways, when.

Section.

2. When inhabitants to be summoned, &c.

Passed 5th March 1805.

WHEREAS great damage frequently happens to the bank of the River Saint John in front of the Parishes of Maugerville, Sheffield, and Waterborough, and to the Highways laid out thereon ;—

Be it therefore enacted, &c.—1. The Commissioners of the Highways for the time being in such Parishes shall and they

are hereby empowered to alter the said Highways in the Parishes aforesaid that have been or hereafter may be washed away, or otherwise damaged by the freshes, as may appear to them convenient and necessary.

2. The Surveyors of Highways in the Parishes aforesaid shall, after the first day of April in every year, when required by the said Commissioners so to do, summon every male inhabitant in their districts, with their teams and such implements as may be necessary, who are liable to work on the highways, giving them at least six days notice, to labour thereon by planting the said bank with willows or alders, or otherwise bushing the same, as the said Commissioners may deem most effectual for the preservation thereof, and such labour so done shall be allowed by the said Commissioners in part of the labour which the said inhabitants by law are liable to perform, under the penalty of five shillings, and for every neglect of teams turning out with a competent driver, ten shillings for each and every offence or neglect, to be recovered on complaint of any one of the said Commissioners to any one of His Majesty's Justices, to be levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus (if any) to the owner or owners, to be laid out under the direction of the said Commissioners in the districts where the same shall be recovered.

56th GEORGE 3rd—CHAPTER 12.

An Act to continue and make perpetual two Acts of the General Assembly that are near expiring.

Section 1.—What Acts made perpetual.

Passed 7th March 1816.

Be it enacted, &c.—1. An Act made and passed in the forty first year of His Majesty's Reign, intituled *An Act for preserving the Bank of the River Saint John in front of the Parish of Lincoln, in the County of Sunbury*, and an Act made and passed in the thirty fourth year of His Majesty's Reign, intituled *An Act for preserving the Bank of the River Saint John in front of the Parishes of Maugerville, Sheffield, and Waterborough*, be and the same Acts are hereby continued and made perpetual.

5th VICTORIA—CHAPTER 27.

An Act to authorize the Justices of the Peace for the County of Sunbury to make rules and regulations for protecting the public use of the Draw in the Bridge over the River Oromocto.

Section 1.—Justices, when may make rules relating to Draw in Bridge.

Passed 31st March 1842.

WHEREAS it is necessary that provisions should be made to prevent the Oromocto River being obstructed in such manner as to prevent the free use of and passage to and through the Draw made in the Bridge erected over the said river near the mouth thereof, and to protect the said draw from injury ;—

Be it enacted, &c.—1. It shall and may be lawful for the Justices of the Peace for the said County of Sunbury in General Sessions assembled, and they are hereby authorized and empowered to make rules and regulations to prevent the passage to and from and through the draw made in the bridge lately built over the River Oromocto near to the mouth of the said river, from being obstructed by means of vessels, timber, logs, rafts, or lumber, or rubbish of any description being deposited, placed, or allowed to remain in any place in the said river, either above or below the said bridge, and also to prevent damage or injury to be done to the said draw in the said bridge, and impose fines and penalties upon all or any persons who infringe such rules and regulations, not exceeding two pounds, to be recovered before any two of Her Majesty's Justices of the Peace of the said County, upon the oath of one or more credible witness or witnesses, and levied by warrant of distress and sale upon the offender's goods and chattels, and when collected, to be paid into the hands of the Supervisor of the Nerepis Road for the use of the Province.

CARLETON.

9th VICTORIA—CHAPTER 40.

An Act to provide for the repair of the Streets and Highways in part of the Parish of Woodstock.

Section.	Section.
1. Amount, how determined, to be raised for Roads in Woodstock, &c.	13. Regulations for side walks.
2. Commissioners to make Road list, &c.	14. Encumbrances on highway, penalty as to.
3. Property, how valued.	15. How money may be expended,
4. Collector of Road fund, how appointed.	16. Road list, &c., with whom filed.
5. Appeal against rate.	17. What number of Commissioners to be re-appointed, &c.
6. Tax, how collected, and Collector's compensation.	18. Construction of terms.
7. Exempts.	19. Contracts, how made.
8. Property in whom vested, and for what purposes.	20. Suspension of Sections of certain Acts.
9. Survey of Town Plat ordered, &c.	21. When tax deemed legal, although in excess.
10. Winter Roads to be broken, &c.	22. Compensation to Commissioners.
11. Commissioners' contracts, on whom binding.	23. Powers of Supervisors of Great Roads reserved.
12. Penalties as to dragging buildings, &c. on streets.	24. Limitation.

Passed 11th April 1846.

WHEREAS the increase of population in Woodstock renders an improvement in the mode of providing for the repair of the Streets and Highways necessary ;—

Be it therefore enacted, &c.—1. From and after the passing of this Act, the Justices of the General Sessions of the Peace for the County of Carleton, at the January Sessions of the Peace for the said County to be holden for said County in each and every year hereafter, or at any special Sessions to be holden after the passing of this Act for said County, shall fix and determine the sum to be assessed for the repairing, improving, and maintaining the streets, highways, and bridges the then ensuing year, upon all that part of the Parish of Woodstock, commencing on the northerly side of Lane's Creek, (so called) in said Parish, thence running southerly along the River Saint John to the lower side of Upham's Creek, (so called) and extending westerly or back from said River one mile ; and which sum so fixed and determined shall not exceed the sum of two hundred pounds nor be less than the sum of sixty pounds, and shall be levied and assessed by an equal rate of five shillings upon the poll of all the male inhabitants within that part of the said Parish of the age of twenty one years and upwards, not being paupers or exempts as hereinafter mentioned, and by a rate in just and equal proportions upon the

real property situate in that part of the said Parish, and upon the personal property and incomes of the inhabitants thereof; which sum shall be assessed and laid out by the Commissioners of highways for the said Parish of Woodstock, in improving, repairing, and maintaining the streets, highways, and bridges in that part of the said Parish above described, according to the best skill and discretion of the said Commissioners, or the major part of them, subject to the provisions of this Act; and which sum of money so levied and assessed shall be denominated the "Woodstock Road Fund."

2. It shall be the duty of the Clerk of the Peace for the County of Carleton, within ten days after the order for assessment as aforesaid shall have been made by the said General Sessions of the Peace, to notify the Commissioners of highways for the said Parish of Woodstock of the same having been made, and the amount thereof; and upon the receipt of such notice, it shall be the duty of the said Commissioners of highways, or the major part of them, to meet at such times and places as they may agree upon, and without delay make out a road list for that part of the said Parish above described, with columns therein, the first or left hand column to contain the names of such persons as are rateable within the Parish, both resident and non-resident, the second column to contain the amount of the poll tax of five shillings to be paid by each inhabitant, the third column to contain the amount of real property within that part of the Parish of Woodstock above described owned by each inhabitant, the fourth column to contain the amount of the personal property of each inhabitant, the fifth column to contain the real estate of non-residents, the sixth column to contain the annual income of such inhabitants, from whatsoever source derived, except from real or personal property situate in that part of the said Parish above described, and taxable under this Act, the seventh column to contain twenty per cent. of the above mentioned value of real and personal estates, the eighth column the sums so reduced to twenty per cent., and the said sums of annual income; and when any inhabitant has both annual income and twenty per cent. of the value of property set opposite his name in the said sixth and seventh columns, such sums shall be added together and set in the eighth column; and the amount so to be assessed,

after deducting the whole amount of poll tax therefrom, shall be apportioned among the several persons so named, in exact proportions to the sum in the eighth column set opposite to their respective names; the ninth and last column shall contain the several sums so apportioned, with the addition of the poll tax, and shall be denominated "Total Road Tax," and shall be in the following form, that is to say:—

Road List for all that part of the Parish of Woodstock commencing on the northerly side of Lane's Creek, so called, in said Parish, thence southerly along the River Saint John to the lower side of Upham's Creek, in said Parish, so called, and extending westerly, or back from said River, one mile:

Names of Persons	Poll Tax.	Real Estate of Inhabitants.	Personal Estate of Inhabitants.	Real Estate of Non-residents.	Annual Income	20 per cent of value of property.	Amount to be taxed.	Total Road Tax.
A. B.	5s.	£500	£100			£120	£120	£1 9 0
C. D.	5s.	500	100		£100	120	220	2 9 0
E. F.	5s.			£500		100	100	1 5 0
G. H.	5s.				100		100	1 5 0
I. K.	5s.							0 5 0

And the said Commissioners, or the major part of them, shall on or before the fifteenth day of May in each and every year, deliver the same to the Collector of the road tax, signed by them, endorsing thereon a precept under their hands, or the hands of the major part of them, in the form following, that is to say:—

To A. B., Collector of Road Tax for Woodstock.

You are hereby required forthwith to collect from the several persons named in the annexed Road List, the sums set against their names respectively, under the last column thereof, entitled Total Road Tax, and to pay the same when collected into our hands.—Given under our hands the day of
A. D. .

And the said Commissioners shall have power and authority at any time after the said road list is made out, to add thereto the name or names of any person or persons whose names shall have been omitted, or who shall have come to reside in the said Parish after the road list shall have been delivered to the collector.

3. Any person liable to be assessed for the purposes mentioned in this Act may, at any time before the road list is made

out, furnish the Commissioners with an account in writing of the value of his real or personal property or income liable to be assessed under this Act, deducting therefrom his just debts, duly verified upon oath before one of Her Majesty's Justices of the Peace, upon which it shall be the duty of the Commissioners to value such property at the sum specified in such account, and no more.

4. The Commissioners of roads for the Parish of Woodstock, or the major part of them, shall appoint one of the Surveyors for the said Parish, or any other fit and suitable person, a Collector of road tax for that part of the said Parish above described, and insert his name in the precept mentioned in the second Section of this Act; and in case of his death, resignation, or removal from office, to appoint another in his stead, and so from time to time as a vacancy may occur; and in case of such subsequent appointment, to endorse on the said Writ a precept in manner aforementioned, authorizing such new collector to collect the said road tax or to complete the collection thereof previously commenced.

5. Any person thinking himself aggrieved and over-rated in the said road list, or thinking himself not liable to taxation within that part of the said Parish affected by this Act, may appeal to the Justices of the Peace for the County of Carleton, at their next General Sessions after he shall have had notice of the said assessment, and the Justices shall examine into the said appeal, and if the said Justices shall be satisfied the appellant hath been assessed too high, or is not liable to taxation as aforesaid, they may give such relief as they may think just, by allowing the appellant such sum as he may be over-rated out of the road tax for the next year, or such other relief as they may deem just; provided always, that no such appeal shall be heard unless the appellant shall within one month after he has received notice of the said assessment, file an affidavit in the office of the Clerk of the Peace for the County of Carleton, particularly specifying the real and personal property and income liable to taxation under this Act, and give notice thereof to the said Commissioners, or some one of them, in writing.

6. The Collector appointed in manner aforesaid shall proceed to collect the road tax assessed under this Act in the same

manner and subject to the same provisions in all respects as the Collectors of County and Parish rates are authorized and empowered so to do by the seventh and eighth Sections of an Act made and passed in the first year of the Reign of Her present Majesty, intituled *An Act to provide for the better assessment of County and Parish Rates*, and shall be allowed by the said Commissioners of highways, or the major part of them, such compensation for his trouble, not exceeding four per cent. as they may see fit.

7. The Commissioners of highways for the Parish of Woodstock, regularly ordained or licenced Clergymen of any denomination of christians whatever, not having property or income for which they are liable to be assessed under the provisions of this Act, other than the annual salary or stipend they may receive from their Parish or spiritual charge, emigrants who have arrived in the Province within the year for which the assessment is made, and regularly appointed firemen, shall be exempt from taxation under this Act; provided always, that the Commissioners, or the major part of them, shall with the assent of two Justices of the Peace for the County of Carleton, remit either in the whole or in part the payment of the road tax levied under this Act, from any infirm or indigent persons, as they in their discretion may deem just and proper; provided always, that no person shall be exempted from taxation under this Act by reason of his having performed statute labour in any other Parish or district in this Province.

8. All books, papers, writings, and accounts, and all materials, tools, and implements which shall be provided in pursuance of this Act for repairing and improving the streets, highways, or bridges in that part of the Parish of Woodstock above described, and also the streets, highways, and bridges therein, and all stones, quarries, and standing trees therein, shall be vested in the Commissioners of the said Parish for the time being, and they, or the major part of them, shall and may bring and prosecute any suit or proceeding at law or in equity, in their own name, as for their own property, for any infringement or injury thereto, encumbrance thereon, or any interference therewith, by any person or persons, whereby the public may sustain any detriment; and such suit, prosecution, or proceeding shall and may be brought and prosecuted in the

names of the Commissioners of highways for the Parish of Woodstock, without mentioning their individual names, and may be continued and prosecuted by their successors in office, notwithstanding a change in the persons of the said Commissioners; and all action and rights of action shall inure to the said Commissioners; and in any such suit or proceedings, any inhabitant of the said Parish shall be deemed a competent witness, notwithstanding his liability to taxation under this Act.

9. The said Commissioners, or the major part of them, shall and may, in their discretion, survey the Town plat of Woodstock, and such other parts of the said Parish above described, as they may deem advisable, and procure a proper plan of such survey for the use of the Commissioners for the time being, the expense of which survey and plan to be defrayed out of the Woodstock road fund; and it shall be the duty of the said Commissioners, or the major part of them, and they are hereby authorized and empowered to cause to be removed all encroachments of any description, whether such encroachments consist of dwelling houses or other erection of a permanent nature, from the said streets or highways, in order that the said streets and highways may be restored to a proper width.

10. It shall be the duty of the Commissioners of highways for the Parish of Woodstock, in all that part of the said Parish affected by this Act, during the winter season, to keep the streets and highways therein well and sufficiently broken and cleared of snow for the passage of teams, and during the spring, summer, and autumn to keep the streets and drains cleared and free from obstruction.

11. All contracts or expenses incurred for repairing or improving the said streets, highways, or bridges by the Commissioners for the time being, or the major part of them, shall be binding upon their successors in office as fully and effectually, to all intents and purposes, as if such contracts were made or expenses incurred by the said Commissioners, and they shall pay such expenses and discharge such contracts out of the first moneys which shall come into their hands after such contract or expenses fall due.

12. Every person or persons who shall at any time between the fifteenth day of March and twenty fifth day of November

in each and every year draw, haul, or drag any house or building whatever, on or along any part of the said streets or highways in that part of the Parish of Woodstock affected by this Act, shall for each and every offence forfeit and pay a sum of not less than one pound nor exceeding ten pounds, in the discretion of the Justice before whom such offender shall be prosecuted ; and any person or persons who shall, within the said period of time, drag or haul on or along any of the streets or highways aforesaid, any log, boards, timber, scantling, or drag, or other thing whatever, without securing the same from touching the said streets or highways, shall for each and every offence forfeit and pay a sum of not less than five shillings, nor exceeding twenty shillings, in the discretion of the Justices before whom the offender shall be prosecuted ; which penalties, with costs of suit, shall and may be recovered before any one Justice of the Peace for said County of Carleton, upon the oath of one or more credible witness or witnesses, and levied by warrant directed to any constable of the said Parish, by distraining the goods and chattels of the offender or offenders, and when no such effects can be found, to commit the offender or offenders to the common gaol of the County of Carleton, for a period of time not exceeding one day for every ten shillings of the said penalty.

13. The Justices of the General Sessions of the Peace for the County of Carleton shall have power and authority from time to time to make rules and regulations relating to the side walks in the said Parish of Woodstock, for the purpose of promoting the cleanliness of the said Town, and the comfort of its inhabitants, and such rules and regulations to alter, repeal, and amend, and to substitute others in lieu thereof, and to enforce the observance of such rules and regulations by such fines and penalties as in their discretion they may deem meet ; provided that no greater penalty than ten shillings shall be imposed for any breach of such rules or regulations, which fines shall be sued for and recovered, with costs, in manner provided for by the twelfth Section of this Act.

14. Whenever any person or persons whatever shall place or cause to be placed upon any of the streets or highways or bridges aforesaid, any logs, timber, boards, wood, scantling, sleds, carts, carriages, wagons, sleighs, dirt, manure, or any

rubbish of any kind, or any obstruction or encumbrance whatever, and shall refuse upon request being made by any inhabitant of that part of the said Parish affected by the said Act, to remove the same from off the said streets or highways, the said person or persons shall upon every such refusal be liable to a penalty of not less than ten shillings, and not exceeding forty shillings, to be recovered with costs in the manner provided by the twelfth Section of this Act.

15. The Commissioners shall have power and authority from time to time to appropriate such sums from the moneys levied and assessed under this Act, for the improvement and protection of the public landings and banks of the River Saint John in that part of the said Parish above described, as they may deem absolutely necessary for the improvement or preservation thereof, when such landings or banks are not within the limits of any highway or street.

16. The Commissioners of highways for the said Parish of Woodstock, or the major part of them, shall on or before the last day of December in each and every year, file with the Clerk of the Peace for the County of Carleton, a correct copy or duplicate of the road list, or the original road list, with a correct account of all the moneys they may have received or expended, specifying the mode of expenditure, with vouchers, and a statement of the balance in hand, if any; also a list of the persons excused, and the cause thereof; a statement of any contract made for work not then performed, with the amount due the contractors; with such other information and statements as will enable their successors in office to ascertain the true state of their engagements and liabilities, in order that the same may be audited in the same manner as other County or Parish accounts; and should any moneys remain in hand, the same shall be paid to their successors in office.

17. A majority of the Commissioners of highways for the said Parish of Woodstock in office at the end of the year for which they shall be appointed, shall be annually re-appointed; provided however that the Justices of the Peace for the said County of Carleton shall have all the power which is ever vested in them by any law now in force in this Province, to remove and displace one or more of the said Commissioners who may be guilty of any malpractice in their office, upon the

same being made to appear and proven to their satisfaction, and to appoint one or more Commissioners in the place and stead of such Commissioner or Commissioners so removed and displaced.

18. In the construction of this Act, the terms "real estate" and "real property" shall be construed to include land and any building or other thing erected on or affixed to land, and any term or terms for years in land; and the terms "personal property" and "personal estate" shall be construed to include all goods, chattels, moneys, and effects, and all debts due from solvent debtors, whether on account, contract, promissory note, bond, mortgage, specialty, judgment, and all public stocks or sureties, and all stocks or shares in joint stock banking or insurance companies; provided always, that nothing herein contained shall extend to render liable to taxation under this Act the real or personal property of any religious, literary, or charitable corporation, society, or institution, or of any joint stock banking or insurance company carrying on business in that part of the Parish of Woodstock above described.

19. All contracts for repairing or improving the roads, highways, and bridges in that part of the Parish of Woodstock affected by this Act, shall be made by public competition after ten days public notice of the making of such contracts shall have been given by the Commissioners, or the major part of them.

20. *The operation of the third, seventeenth, eighteenth, nineteenth, twentieth, twenty first, twenty second, twenty third, twenty fourth, twenty fifth, twenty sixth, twenty seventh, twenty eighth, thirty first, thirty fourth, thirty fifth, and thirty sixth Sections of an Act made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to repeal all the laws now in force for regulating, laying out, and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes in this Province, and to make more effectual provision for the same*, and also the operation of the first, second, third, and sixth Sections of an Act made and passed in the sixth year of the Reign of His said Majesty, intituled *An Act in amendment of the Act relating to Highways*, and all other provisions of the said recited Acts, so far

as they are inconsistent with the provisions of this Act, be and they are hereby suspended in that part of the Parish of Woodstock affected by this Act, during the continuance of this Act, except so much of the twenty second Section of the said Act, passed in the fifth year of the Reign of His late Majesty King William the Fourth, as provides for the recovery of any penalty; provided always, that all the other provisions of the said several Acts shall, during the continuance of this Act, be and continue in full force and effect in that part of the Parish of Woodstock affected by this Act, as fully to all intents and purposes as if the provisions thereof had been herein specially enacted.

21. The road tax authorized by this Act shall be deemed legal, although the aggregate amount thereof shall exceed the sum ordered to be assessed by the Justices of the Peace as before mentioned, provided the difference shall not exceed twenty per cent.

22. The said Commissioners of highways shall be entitled to retain out of the amount ordered to be assessed under the provisions of this Act, four per centum on the said amount, as a remuneration for their trouble in making the said assessment.

23. Nothing in this Act contained shall be construed to affect the power and authority given by law to the Supervisors of the Great Roads in this Province.

24. This Act shall continue and be in force for four years and no longer.

[* *Note.*—The Acts mentioned in this Section have been since repealed by 13 V. c. 4, s. 1.]

10th VICTORIA—CHAPTER 15.

An Act in addition to and in amendment of an Act intituled
*An Act to provide for the repair of the Streets and
 Highways in part of the Parish of Woodstock.*

Section.

1. How side walks may be improved, &c.
2. Collector of road tax, how remunerated.
3. Attested account by Collector, when delivered.

Section.

4. False declaration, when a misdemeanor.
5. Non-residents' property when to be assessed, &c.
6. Provisions of what Act repealed.
7. Limitation.

Passed 12th March 1847.

WHEREAS the laying down of wood or stone upon the side

walks or promenades in that part of the Parish of Woodstock affected by the Act made and passed in the ninth year of the Reign of Her present Majesty, intituled *An Act to provide for the repair of the Streets and Highways in part of the Parish of Woodstock*, would be of great benefit to the inhabitants thereof;—

Be it therefore enacted, &c.—1. Whenever the Commissioners of highways for the said Parish of Woodstock, or the major part of them, shall deem it advisable or necessary to improve the side wilk or promenade in the most populous part of the said Parish affected by the said Act, they shall and they are hereby authorized and empowered to provide one half the expense of making such improvement from any moneys which may hereafter be assessed and collected under the provisions of the said Act, and the other half shall be levied and assessed in manner provided for by the said Act, upon the proprietors of houses and lands abutting on the side walks or promenades so to be improved or immediately benefited thereby; which assessment shall be collected in the same manner and subject to the same provision as the rates prescribed by the said Act are required to be collected.

2. And whereas the remuneration allowed to the Collector of road tax by the provisions of the said Act, is found to be inadequate to the services performed;—Whenever the sum of money ordered to be assessed under and by virtue of the said Act shall not exceed one hundred pounds, the said collector shall be entitled to receive out of the said money for his services a sum not exceeding eight per centum; and for any sum exceeding one hundred pounds, and not exceeding one hundred and fifty pounds, six per centum; and from one hundred and fifty pounds to two hundred pounds, five per centum, in the discretion of the Commissioners of said Parish, or the major part of them, in lieu of the compensation allowed by the said Act.

3. The said collector shall on or before the twelfth day of December in each and every year, make and deliver to the Commissioners of highways for said Parish a declaration in writing, upon oath, (which oath any Justice of the Peace for the County of Carleton is hereby authorized to administer) of the moneys he may collect and receive, under the provisions of

said Act; and in default thereof the said collector shall be subject to a penalty of ten pounds, to be sued for and recovered in manner provided by the twelfth Section of said Act.

4. If any collector shall knowingly and willingly make a false declaration respecting the moneys collected by him under the provisions of the said Act, such collector shall be deemed guilty of a misdemeanor; and upon any conviction thereof, shall suffer the like pains and penalties as by law are incurred by persons guilty of wilful and corrupt perjury.

5. And whereas the present mode of collecting the amounts assessed upon the proprietors of land and other real estate, who do not reside in that part of the said Parish of Woodstock affected by the said Act, is attended with great difficulty; for remedy whereof,—When the lands or other real estate of such non-resident shall be in the occupation of any person or persons whatever as tenant or otherwise, the tenant or occupier of such lands or other real estate, shall be deemed liable to assessment under said Acts for such property, in the same manner as if he or they were owners thereof; and in making such assessment the Commissioners of highways for said Parish shall in such assessment distinguish the property so taxed as the property of non-residents from the property taxed as belonging to the person occupying the same as tenants or otherwise; and the occupiers as tenants of such property are hereby authorized and empowered to deduct the amount of such assessment from any sum or sums of money he or they may be liable to pay the non-resident proprietor thereof as rent or otherwise for the same; and the receipt of the Collector of road tax appointed under said Act shall, upon the ordinary proof of hand writing, be deemed and taken in all Courts of law or equity in this Province as sufficient evidence of the payment of such tax.

6. The provisions of the said Act, so far as the same are inconsistent with this Act, be and the same are hereby repealed.

7. This Act shall continue and be in force so long as the Act to which it is an amendment, and no longer.

13th VICTORIA—CHAPTER 10.

An Act to continue the several Acts for the repair of the Streets and Highways in part of the Parish of Woodstock, in the County of Carleton.

Section 1.—Continuance of Acts.

Passed 11th April 1850.

Be it enacted, &c.—1. An Act made and passed in the ninth year of the Reign of Her present Majesty, intituled *An Act to provide for the repair of the Streets and Highways in part of the Parish of Woodstock*, and also an Act made and passed in the tenth year of the same Reign, intituled *An Act in addition to and in amendment of an Act intituled ‘An Act to provide for the repair of the Streets and Highways in part of the Parish of Woodstock,’* be and the same are hereby respectively continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and sixty five.

15th VICTORIA—CHAPTER 9.

An Act to legalize the Lock-up House at the Creek Village, in the Parish of Woodstock, in the County of Carleton.

Section.

1. Lock-up House at Creek Village, what persons may be committed to.

Section.

2. Keeper, by whom appointed.

Passed 18th February 1852.

WHEREAS it is expedient from the distance the Gaol in the County of Carleton is from the Creek Village, in the Parish of Woodstock, in said County, that the building erected by the said County for a Lock-up House in the rear of the public Offices at or near the said Creek, should be legalized ;—

Be it therefore enacted, &c.—1. From and after the passing of this Act, it shall and may be lawful for the High Sheriff or any other officer having legal custody of any person or persons who shall or may be arrested at or near the said Creek Village, in all cases in which the said Sheriff or other officer could legally lodge the said person or persons in the common gaol of said County, to commit the said person or persons to the said lock-up house until the said person or persons can be removed

to the said County gaol, or otherwise discharged; provided always nevertheless, that no person under civil arrest shall be detained in the said lock-up house for any space of time exceeding forty eight hours.

2. The General Sessions or any Special Sessions shall be empowered to appoint a fit and proper person to keep the said lock-up house.

ALBERT.**13th VICTORIA—CHAPTER 20.**

An Act to enable the Commissioners of Highways to establish a Public Road two rods wide across the Great Marsh in the Parish of Hopewell, in the County of Albert.

Section 1.—Highway over Great Marsh, how laid out.

Passed 26th April 1850.

WHEREAS it is deemed advisable to establish a public and common highway from the main road in Hopewell to and across the Great Marsh in Hopewell to the Shepody River, along the private road on the line between William A. Peck and the estate of Eady Hoar, deceased, and a prolongation thereof to the said river; and to avoid the great expense of establishing such road four rods wide,—

Be it enacted, &c.—1. The Commissioners of highways for the said Parish be and they are hereby authorized to lay out such highway two rods wide, but subject in all other respects to the conditions and provisions required by the law now in force providing for the laying out and establishing public highways, and that the same be allowed as one of the public highways as fully as if it had been four rods wide, any law, usage, or custom to the contrary notwithstanding, and that the Commissioners be and are hereby authorized to erect and establish a gate near the mouth of the said road on the northerly end thereof.

17th VICTORIA—CHAPTER 41.

An Act to authorize the turning of West River, in the County of Albert, into Roshea Bay.

Section.

1. Commissioners appointed, by whom; their duties.

Section.

2. Superintendent of Canals, by whom appointed; Regulations, by whom made.
3. Canal, navigation of.

Passed 1st May 1854.

WHEREAS it is deemed advisable to turn the waters of West River (so called) in the County of Albert, into Roshea Bay, for the purpose of making a Harbour of Refuge for coasting Vessels;—

Be it therefore enacted, &c.—1. It shall and may be lawful for the Lieutenant Governor in Council, to appoint fit and proper persons to be Commissioners for the purpose of carrying into effect the necessary work for the turning the waters of West River, in the County of Albert, into Roshea Bay, in the said County, and to erect a dam or embankments across the said river ; and with the consent of the proprietors of the land, to make and erect a Canal thereat.

2. After such Canal shall be erected, it shall and may be lawful for the Court of General Sessions of the Peace for the said County of Albert annually to appoint one or more fit persons as Superintendents of the said Canal, whose duty it shall be to remove all obstructions that may be put or found therein ; and such Court of Sessions shall have power to make and enforce such rules and regulations for the management of such Canal as they in their discretion may think fit.

3. The said Canal shall at all times be available for the purpose of navigation in the same manner as the said West River has been accustomed to be used.

WESTMORLAND.

16th VICTORIA—CHAPTER 41.

An Act to authorize the Justices of the Peace for the County of Westmorland to assess the inhabitants of the Parishes of Moncton and Salisbury for the erection of a Lock-up House for the said Parishes.

Section.

Section.

1. Lock-up House, for what Parishes, and how erected, &c.

2. What persons committed to lock-up house.
3. Assessment for, how apportioned.

Passed 3rd May 1853.

Be it enacted, &c.—1. The Justices of the Peace for the County of Westmorland, or the major part of them at any General Sessions of the Peace, be and they are hereby authorized and empowered to contract and agree with able and sufficient workmen for building and finishing a lock-up house or house of correction at the Bend, in the Parish of Moncton, in the said County, and to agree for such sum or sums of money as to them may seem meet, in order to carry this object into effect; and the said Justices, or the major part of them at the General Sessions as aforesaid, are hereby authorized and empowered to make rate and assessment upon the inhabitants of the said Parishes of Moncton and Salisbury, for a sum not to exceed one hundred and fifty pounds, for defraying the expense of the erection and finishing of said lock-up house or house of correction, and from time to time to make such rules and regulations for the management of the same as to them may seem meet.

2. It shall be lawful for the High Sheriff of the said County, and other officer having legal custody of any person or persons who shall or may be arrested in the said Parishes of Moncton and Salisbury, in all cases in which the said Sheriff and other officer as aforesaid could legally lodge the said person or persons in the common gaol of the said County, to commit the said person or persons to the said lock-up house or house of correction, until the said person or persons can be removed to the said County gaol; provided always, that no person under civil arrest shall be detained in such lock-up house or house of correction for any space of time exceeding twenty days.

3. The said sum of one hundred and fifty pounds so to be assessed and apportioned between the said Parishes, shall be levied, collected, and paid agreeably to any Acts in force for the assessing, collecting, and levying of County rates.

K E N T.

13th VICTORIA—CHAPTER 11.

An Act to provide for more effectually repairing the Streets and Bridges in a part of the Parish of Richibucto.

Section.

Section.

1. Money rate for statute labour, in what part of Parish. 2. Moneys, how to be levied, &c.

Passed 11th April 1850.

Be it enacted, &c.—1. All persons liable to perform labour on the streets and highways in that part of the Parish of Richibucto, in the County of Kent, which is included within the following limits, to-wit:—Commencing on the south side of Richibucto River, at the Creek called Child's Creek, and extending to the Creek below George Bell's, commonly called Bell's Creek, and back to the Galloway road; and on the north side of said river, the district commencing at Mooney's Creek, and extending to the upper line of David Wark, Esquire, including all the lands fronting on the Richibucto River within the limits described, shall in future, in lieu of such labour, annually pay the sum of one shilling and three pence for each and every day's labour such persons are respectively liable to perform.

2. The moneys required to be paid in virtue of this Act, shall be levied and collected in the same manner as any Parish or County rates are levied and collected by virtue of any law now in force or which may hereafter be in force for that purpose in this Province; and when collected, such moneys shall be paid over to the Commissioners of highways for the said Parish, to be by them expended on the streets and bridges within the above described limits, in the same manner as any moneys by them received in lieu of labour have been hitherto by law expended.

NORTHUMBERLAND.**5th GEORGE 4th—CHAPTER 23.****An Act to provide for the better support of the Poor in certain Parishes in the County of Northumberland.**

Section.

1. Building for Alms House, how to be erected and paid for.
2. Commissioners for same, how appointed, and their duties.
3. Regulations, &c. by whom to be made.
4. Commissioners, how to account.

Section.

5. Commissioners may agree with Overseers of other Parishes, same County.
6. Profits of work, how applied.
7. Until Alms House erected, what building may be hired.

Passed 11th March 1824.

WHEREAS by the mode generally pursued to provide for the support of the poor in this Province, many persons who might, under proper regulations, contribute to their own maintenance, have nevertheless become chargeable to, and are entirely maintained by, the inhabitants of the Parishes in which such persons reside, to the great burthen of such inhabitants: And whereas the establishment of suitable Alms Houses and Work Houses, in proper situations, within this Province, would not only enable many poor persons who are now chargeable to the Parishes in which they reside, to contribute materially to their own support, but would also afford the means of checking the disorderly behaviour of divers persons, who by drunkenness and idleness disqualify themselves from earning a proper support;—

Be it therefore enacted, &c.—1. The Justices of the Peace for the County of Northumberland, in their General Sessions, be and they are hereby authorized and empowered to agree for the erecting and finishing a proper building for an Alms House and Work House in the Town or Parish of Newcastle, and to fix upon a certain sum of money for defraying the expense thereof, which sum of money shall be raised by an assessment upon the inhabitants of Newcastle, Chatham, Northesk, Ludlow, Alnwick, and Glenelg, in the said County, in the manner prescribed by any law in force for assessing, collecting, and levying County rates, provided that such assessment shall not exceed the sum of seven hundred pounds.

2. It shall and may be lawful for the President or Commander in Chief of the Province, by Warrant under his hand and seal, to be issued by and with the advice of His Majesty's

Council, from time to time to appoint so many fit persons, not exceeding seven, nor less than five, (not more than two of whom shall be Justices of the Peace for the said County,) to be Commissioners for superintending and managing the said buildings so to be erected for the purposes aforesaid; and that it shall and may be lawful for the said Commissioners from time to time to provide such materials and things as they shall judge necessary for the setting to work and employing such poor persons, of what age or sex soever they be, who may apply for relief and shall be able to work, and shall have power and authority, at their discretion, to compel such idle or poor people begging or seeking relief, as do not betake themselves to some lawful employment, or who do or shall hereafter seek or receive alms of any of the said Parishes hereinbefore mentioned, within the said County, or who may stand in need of relief from any of the said Parishes, to dwell, inhabit, and to work in the said Work House, and to do all such work as they shall think them able and fit for, and shall have the same powers to bind out poor children apprentices, as are by the laws of this Province given to the Overseers of the poor in the several Towns or Parishes in this Province.

3. The said Commissioners so to be appointed as aforesaid, shall have power to make such rules, orders, and regulations for the good government and management of the said Alms House and Work House, as they shall find necessary, (such rules and regulations to be approved of by the said Justices in their General Sessions,) and to inflict such correction and punishment, by solitary confinement or otherwise, from time to time, as to them shall seem reasonable, on any person or persons within the said Alms House or Work House who shall be set to work and shall not conform to such rules, orders, and regulations to be made as aforesaid, or shall misbehave in the same.

4. The said Commissioners shall at the first General Sessions of the Peace to be holden for the said County annually lay before the Justices in their said Sessions an account, to be audited by the said Justices, of the expenses incurred by them for the support and maintenance of the poor of the said Alms House and Work House for the past year, together with an estimate of what sum or sums of money will be needful for the

maintenance or employment of the poor of the said house for the current year ; in which estimate shall be stated the proportion that each Town or Parish within the said County ought to pay, according to the number of poor persons that such Town or Parish shall have in the said Alms House, or committed to the care of the said Commissioners, to the intent that no other levy or assessment may be made for any other maintenance or allowance to or for any such poor ; which sum or sums of money shall be assessed, levied, and raised in such manner and form as by the laws of this Province is or shall be appointed and directed, and when raised and received, shall be paid to the said Commissioners for the use aforesaid, and for no other.

5. The Commissioners to be appointed in pursuance of this Act, shall have full power and authority to contract and agree with the Overseers of the poor of any Parish in the said County, or of any adjoining County of this Province, for the maintenance of any poor persons belonging to such Parishes respectively, which contract and agreement such Overseers are hereby authorized and empowered to make ; provided always, that such Overseers shall first pay or secure to be paid to the said Commissioners, such sum or sums of money as shall be so agreed for, and shall also report to the said Commissioners the names, character, and condition of all such poor persons within the said Towns or Parishes respectively, in whose behalf such application shall be made.

6. The profits of any work or labour to be performed under the direction of the said Commissioners, shall be duly accounted for by them, and applied towards the support and maintenance of the persons inhabiting within the said Alms House and Work House.

7. Until such time as a proper building shall be erected and prepared within the said Parish of Newcastle, for the purposes by this Act contemplated, it shall and may be lawful for the Commissioners to be appointed as hereinbefore mentioned, to hire and make use of any other house within the said Parish, which they shall think fit and convenient for an Alms House and Work House, in manner and form as by this Act is prescribed.

4th VICTORIA—CHAPTER 25.

An Act to authorize the Justices of the Peace for the County of Northumberland to erect a Lock-up House in the Town of Chatham, in the said County.

Section.

1. Lock-up House, how to be erected and paid for.
2. Maintenance of, how paid for.
3. Regulations for, by whom to be made.

Section.

4. What persons may be committed to lock-up house.
5. Seamen, when may be committed to.

Passed 19th March 1841.

WHEREAS from the great increase of the Town of Chatham, in the County of Northumberland, and in consequence of the distance therefrom to the County gaol, and the difficulty of crossing the River Miramichi thereto at certain seasons of the year, great inconvenience is oftentimes experienced by the Magistrates residing in the said Town for the want of a lock-up house or place of safe keeping, in which to confine persons committing breaches of the peace and other minor offences; in remedy whereof,—

Be it enacted, &c.—1. The Justices of the Peace for the County of Northumberland, or the major part of them, may and they are hereby authorized and required at their first General Sessions of the Peace hereafter to be holden, to purchase a piece of ground in the Town of Chatham, on which to erect a lock-up house, and to contract and agree with able and sufficient workmen for the erection and finishing of a suitable lock-up house on the said piece of ground in the Town of Chatham, and the said Justices or the major part of them at any General Sessions of the Peace, are hereby authorized and required to make a rate and assessment for a sum not exceeding two hundred and fifty pounds, to defray the expense of purchasing the said land, and erecting and finishing the said lock-up house; such assessment to be levied and collected in such proportions and in such manner on the inhabitants of such County, residing on the front lots situate between the lower side of Clark's cove and the upper side of Saint Andrew's Church, in the Parish of Chatham in the said County, including all the inhabitants of the Town or Village of Chatham, living within the above named limits, whether residing in the front or rear of the said Town, as the said Justices or the major part of them may direct; which sum, subject to the limits aforesaid, shall be assessed, levied, and paid agreeably to any

Act now or which may hereafter be in force for the assessing, levying, and collecting County rates.

2. When and so soon as the said lock-up house shall be erected, completed, and fit for use, it shall and may be lawful for the Justices of the Peace for the said County, and they are hereby required annually at the first Court of General Sessions of the Peace for the year, by order of the said Court upon the County Treasurer, to cause to be paid out of the County funds a sum not exceeding thirty five pounds towards the payment of the keeper and the support and maintenance of the said lock-up house, if there be County funds to meet such payment, if not, the same to be annually assessed, levied, and collected off the inhabitants of the County in the same manner as other County assessments are assessed, levied, and collected.

3. The said Justices of the Peace for the said County of Northumberland shall and they are hereby authorized and required at any General Sessions of the Peace to be holden in the said County, to make such rules and regulations for the custody and management of the said lock-up house as may from time to time be necessary and expedient.

4. It shall and may be lawful for the High Sheriff of the said County of Northumberland, or any other officer who shall have arrested or have in legal custody any person or persons charged with any crime or misdemeanor whatsoever, for which such person shall be liable to be committed to the gaol of the said County, to commit such person or persons to the said lock-up house until he or they can be conveyed to the County gaol; provided always, that no such person or persons shall be longer kept or detained in the said lock-up house than thirty six hours from the time of his or their commitment thereto, except when the river is in an impassable state during the spring and fall from the ice, and then only till the same can be crossed with safety.

5. It shall and may be lawful for any Justice or Justices of the Peace for the said County of Northumberland, before whom any mariner or seaman shall be hereafter convicted under and by virtue of any laws now in force or that may be hereafter in force in this Province for the regulation of seamen, to commit such mariner or seaman to the said lock-up house instead of the County gaol, if such Justice shall find it neces-

sary and advisable so to do; provided always, that no such mariner or seaman shall remain or be longer confined in the said lock-up house than forty eight hours, and if such seaman or mariner be subject and liable to longer confinement, then to be conveyed to the County gaol, and all charges to be defrayed by the ship master or person so confining said mariner or seaman.

4th VICTORIA—CHAPTER 27.

An Act to authorize the appointment of Commissioners to lay out a Street or Highway through the Town of Chatham, and to establish and regulate Public Landings in the said Town.

Section.

1. Commissioners to be appointed, and for what.
2. Repealed.
3. Commissioners to make returns, &c.

Section.

4. Repealed.
5. Record of landings.
6. Slips, &c, what deemed.

Passed 19th March 1841.

WHEREAS from a recent survey of the Street or Highway through the Town of Chatham, it appears that the same in many cases departs wholly from the original record thereof, and that buildings have been erected on the recorded line, the removal of which would cause much inconvenience, annoyance, and expense: And whereas the Commissioners of Highways have experienced great difficulty in preventing encumbrances thereon, from the bounds of the said Street or Highway not being properly defined: And whereas from the buildings and erections in the said Town, a sufficient space is not left to enable the Commissioners of Highways to lay out and record a Street or Highway through the said Town of the width of four rods as by law is required: And whereas great inconvenience has arisen to the public in consequence of the several Landings in the said Town being obstructed; for remedy whereof,—

Be it enacted, &c.—1. It shall and may be lawful for the Lieutenant Governor to appoint three or more fit persons Commissioners to lay out a street or public highway through the Town of Chatham, commencing at Coulson's slip, so called, and terminating at Saint Andrew's Church.

2. Repealed by 5 V. c. 24, s. 1.

3. The said Commissioners shall forthwith, after laying out the said street or highway, make a return thereof in writing under their hands into the office of the Clerk of the Peace for the County of Northumberland, who shall enter the same in the book kept for the purpose of recording roads or highways; which return shall distinctly designate the marks, bounds, and lines by which the said street or highway may be known and ascertained; and whatsoever the said Commissioners shall do according to the powers given them in this Act, being so entered, shall be valid and good to all intents and purposes whatsoever, and the said street or highway when so laid out and entered as aforesaid, shall be deemed and used as a public street or highway for the use and benefit of the public, in as ample and full a manner as if the same had been laid out and recorded under and pursuant to the provisions and regulations of an Act made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to repeal all the laws now in force for regulating, laying out, and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes in this Province, and to make more effectual provision for the same*, or under or pursuant to any Act of Assembly now in force for establishing and regulating Highways in this Province.

4. Repealed by 5 V. c. 24, s. 1.

5. All such landings as the said Commissioners or the major part of them shall lay out or define to be public under the provisions of this Act, such Commissioners or the major part of them shall cause to be recorded with the Clerk of the Peace for the County, which record when so made shall be good evidence of such being public landings in all Courts of law in this Province.

6. When and so soon as the said Commissioners or the major part of them shall have so laid out and defined the public slips and landings in the Town or Parish of Chatham, as directed in and by the provisions of this Act, and shall have caused the same to be recorded in manner aforesaid, such slips and public landings shall thereafter be considered and taken to be part of the Queen's highway, and be subject to all the rules and regulations that the other highways or public roads

and streets of the said Parish are subject to, and all persons obstructing the same shall be subject to the like pains and penalties therefor, that any person or persons is, are, or may be subject to by any laws now or that shall hereafter be in force for preventing the obstruction of the highways and public roads of the said Parish or County, and be recovered and applied in like manner.

5th VICTORIA—CHAPTER 24.

An Act to repeal certain parts of an Act intituled *An Act to authorize the appointment of Commissioners to lay out a Street or Highway through the Town of Chatham, and to establish and regulate Public Landings in the said Town*, and to make other provision in lieu thereof.

Section.

1. Certain Sections of what Act repealed.
2. Street, how to be laid out.

Section.

3. What landings, &c., to be laid out, &c.

Passed 29th March 1842.

Be it enacted, &c.—1. The second and fourth Sections of the Act intituled *An Act to authorize the appointment of Commissioners to lay out a Street or Highway through the Town of Chatham, and to establish and regulate Public Landings in the said Town*, be and the same are hereby repealed; and in lieu thereof,—

2. It shall be the duty of the Commissioners to be appointed under the provisions of the said Act, or the major part of them, in laying out the said street or highway, to adhere to the line of road as at present used through the said Town, and commonly called Water Street, and to make the same as wide and straight as practicable, not in any case interfering with buildings or fences without the written consent of the proprietors.

3. The said Commissioners or the major part of them are hereby authorized and required to lay out or define the landings in the Town of Chatham that have heretofore been used as public landings, to-wit, the landing commonly called Coal-som landing, the slips or landings known as Charter's slip, Peabody's slip, and the slip laid out by and on the property of the Chatham Joint Stock Company, and known as the public landing.

8th VICTORIA—CHAPTER 57.

An Act to establish periodical Fairs in the Town of Newcastle, in the County of Northumberland.

Section.

1. Fairs, when and where held.
2. Keeper, &c. of Fairs, by whom, and for what purpose appointed.

Section.

3. Act, when may be amended.

Passed 27th March 1845.

WHEREAS the establishment of Fairs or Public Market days is calculated to promote Trade, encourage the Farmer, and lead to emulation and competition in the rural operations of the County;—

Be it therefore enacted, &c.—1. From and after the passing of this Act there shall be two Public Fairs held at the Town of Newcastle, in the said County, on the first Tuesday in October and the first Tuesday in March in each and every year, under such rules, regulations, and restrictions as the Justices of the Peace of the said County at the Court of General Sessions of the Peace for the said County, at the July Term, shall annually make, order, and direct; which rules, regulations, and restrictions shall, as soon as may be after the same are made, be published by the Clerk of the Peace or Custos Rotulorum of the County, in one or more of the public Newspapers of the County, or if none be there published, then in the Royal Gazette, for the next six months immediately after the making of such order; which orders, rules, and regulations, when so made and passed, shall continue and be in force till annulled, altered, or amended by any subsequent order, which shall only be done at the July Term in each year.

2. It shall and may be lawful for the said Justices at their General Sessions from time to time, and at all times hereafter, to nominate and appoint an officer to be called the Keeper of such Fairs, and such other officers for the proper government of such Fairs as the said Justices in their said General Sessions may deem necessary for the conducting, managing, and enforcing the orders, rules, and regulations relating to the holding, conducting, and management of such Fairs so to be holden as aforesaid, who shall respectively be sworn to the faithful discharge of the duties of his or their offices, and which said Keeper, and other officers appointed under the provisions of this Act, shall have the same power and authority as any

constable or constables in all matters relating to the preservation of the peace and order during the continuance or operations of such Fairs or Market ; and such Justices are hereby authorized from time to time at such General Sessions as aforesaid, at their pleasure, to remove such keeper or other officers, and another or others to appoint in their stead, and to appoint the place in the said Town of Newcastle at which such Fairs shall be held ; and shall have full power and authority, and they are hereby authorized and empowered to fix upon and regulate the rates and amount of fees to be received by the keeper and officers of such Fairs, and how the same shall be collected, paid, and received, and the sources from which the same are to be raised ; provided always, that if it shall at any time be deemed necessary by the said Justices at such Sessions to make an assessment for the payment of the fees of the officers appointed under the provisions of this Act for enforcing the rules and regulations so made, for the proper conducting of such Fairs or Market, the said Justices are hereby authorized to order such assessment, which assessment shall be raised, levied, and collected in the same manner as other County or Parish rates are by law now raised and collected ; provided always, that such assessment shall in all cases be confined to the residents of the Town of Newcastle, or persons residing within the following bounds or limits, that is to say, between James Ledden's lower line in Newcastle on the one side, John A. Street's upper line on the upper side, and that the same shall not extend to the settlers on the back lots ; and provided also, that such assessment shall not exceed the sum of five pounds in any one year.

3. This Act may be altered, amended, added to, or diminished in any way so as more effectually to accomplish the objects thereof, the present Session of the Legislature.

13th VICTORIA—CHAPTER 17.

An Act to enable the Justices of the Peace for the County of Northumberland for the time being to receive the title of and hold a piece of Land in the Town of Newcastle, for the use of a Grammar School in the said Town.

Section 1.—Certain Land vested in Justices, for what purpose.

Passed 26th April 1850.

WHEREAS it is desirable that the title to the piece or parcel of land situate in the Town of Newcastle, in the County of Northumberland, hereinafter described, should be vested in the Justices of the Peace for the aforesaid County, in trust for the use of a Grammar School in the said Town;—

Be it therefore enacted, &c.—1. From and after the passing of this Act, the following piece of land, being a parcel of the public lot on which the Court House and Gaol are built in the Parish of Newcastle, and distinguished in the Town plat or plan as the lot number twenty in block letter C, and abutted and bounded as described in the plan on file in the office of the Clerk of the Peace for the said County, the said lot being of the width of one hundred and fourteen feet fronting on Duke Street, and eighty six feet on Regent Street, which said lot, piece, or parcel of land was purchased by sundry inhabitants of the said Town for the use of a Grammar School, shall be and the same is hereby vested in the Justices of the Peace for the County of Northumberland, and their successors, for and in trust for the use, benefit, and advantage of a Grammar School in the Town of Newcastle, for the instruction of youth; provided always, that the said Justices shall not appoint any Trustees or Teachers, or interfere in the management of the said School in any way.

15th VICTORIA—CHAPTER 66.

An Act to legalize the acts of the Commissioners appointed to lay out a Street or Highway through the Town of Chatham, and to establish and regulate Public Landings in the said Town.

Section 1.—Former acts of Commissioners legalized.

Passed 7th April 1852.

WHEREAS by an Act made and passed in the fourth year of the Reign of Her present Majesty, intituled *An Act to authorize the appointment of Commissioners to lay out a Street or Highway through the Town of Chatham, and to establish and regulate Public Landings in the said Town*, the Lieutenant Governor was authorized to appoint three or more fit persons

Commissioners to lay out a Street or public highway through the said Town of Chatham: And whereas but two persons were appointed under said Act, who attended to the duty, laid out said Street, and recorded the same under the provisions of said Act: And whereas doubts have arisen as to the legality of their proceedings, in consequence of the strict letter of the Act requiring three or more Commissioners; for remedy whereof,—

Be it enacted, &c.—1. All the proceedings of the two Commissioners appointed under said Act, and which were had, taken, and performed by such two Commissioners in accordance with the terms and provisions thereof, shall be and they are hereby declared as binding in every respect as if three Commissioners had been appointed under the said Act, and as if such survey and other proceedings had been made and taken by three Commissioners; any thing in the said Act to the contrary notwithstanding.

17th VICTORIA—CHAPTER 3.

An Act to make further provisions for the support of Buoys and Beacons in the Bay and Harbour of Miramichi.

Section 1.—An increased duty per ton granted.

Passed 20th March 1854.

WHEREAS in and by the fifth Section of an Act intituled *An Act to consolidate the Laws relating to Buoys and Beacons*, the sum of one penny per ton is granted to Her Majesty, Her Heirs and Successors, on all vessels entering the Bay or Harbour of Miramichi, in the County of Northumberland, for defraying such expenses as may be incurred in erecting, building, rebuilding, replacing, and supporting Buoys and Beacons: And whereas the said duty has been found insufficient for the purposes intended;—

Be it therefore enacted, &c.—1. There be and is hereby granted to Her Majesty, Her Heirs and Successors, for defraying such expenses as may be incurred in erecting, building, rebuilding, replacing, and supporting such Buoys and Beacons, on all vessels entering the Bay or Harbour of Miramichi, in the County of Northumberland, the sum of one penny half

penny per ton for each and every ton such vessel shall ad-measure per register, in lieu of the amount granted in and by the said Act.

17th VICTORIA—CHAPTER 8.

An Act to relieve the Engine Men of the Chatham Fire Engines, in the County of Northumberland, from Parish offices, and to afford immunities and exemptions to them in certain cases.

Section 1.—Firemen to be exempt from certain public services.

Passed 20th March 1854.

WHEREAS the Firemen attached to the Chatham Fire Engines in the County of Northumberland, have to perform onerous and responsible duties as such, and are liable to much expense and loss of time in the performance of such duties, and it is therefore deemed expedient to relieve them from other duties and liabilities as inhabitants of the Town of Chatham, and of the County of Northumberland ;—

Be it therefore enacted, &c.—1. From and after the passing of this Act, each and every of the Firemen attached to any of the Fire Engines of the Town of Chatham, in the County of Northumberland, and who have been or may hereafter be regularly appointed by the Firewards of the said Town, as by law directed, and who shall accept and perform the duties, so long as he or they may continue so attached and perform such duties, shall be exempt and relieved from all and every Parish office in the said Parish of Chatham, and also from serving upon any Jury in any of the Courts of Law in said County, and also from the performance of statute labour in said Parish of Chatham, provided that nothing in this Act shall be construed to relieve any of such Engine men who have been appointed to any Parish office, from serving in the same during the current year.

GLOUCESTER.

13th VICTORIA—CHAPTER 18.

An Act to prevent the spread of a disorder now existing in certain parts of the Counties of Gloucester and Northumberland.

Section.

1. Board of Health, how appointed, and for what places, &c.
2. Lazaretto, how to be erected, &c.
3. Persons diseased to be removed thither.
4. Regulations for Lazaretto, by whom to be made, &c.
5. Magistrates, &c. to lend their aid.

Section.

6. Penalties for resisting Boards' authority, &c.
7. When sued for anything done under Act, what may plead.
8. Governor, &c. may remove to Lazaretto any one having the disease.
9. Continuance of Boards.
10. Limitation.

Passed 26th April 1850.

WHEREAS a loathsome disease, supposed to be a species of leprosy, has been for several years slowly extending itself among the French population on that part of the coast of the County of Gloucester immediately adjoining the County of Northumberland, at Tracadie, and also in parts of the said County of Northumberland; and it is therefore deemed absolutely necessary that measures should be adopted to prevent the further spread of the said disease, and as far as possible to relieve the unfortunate individuals infected with the same;—

Be it therefore enacted, &c.—1. From and after the time limited for this Act to come into operation, it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of Her Majesty's Executive Council, to appoint three or more persons to constitute a Board or Boards of Health, to have authority in the said Counties or in either of them, or in such Parish or Parishes, District or Districts of them or either of them as he may deem necessary, to be called the Board of Health of such County or Counties, Parish or Parishes, District or Districts for which such Boards of Health shall be respectively appointed, and to displace all or any such persons and appoint others in the place or stead of such displaced person or persons, and also to increase the number of the members of such Board or Boards of Health.

2. Any Board of Health so to be appointed, shall have full power and authority, with the consent and approbation of His

Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, to erect or procure a suitable building or buildings as and for and to be styled and called a Lazaretto, to be erected or procured at such place or places in the said Counties of Gloucester or Northumberland as His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice aforesaid, may direct and appoint; and to take possession of and have the control of any Lazaretto or Hospital already erected under the provisions of an Act passed in the seventh year of the Reign of Her present Majesty, under the same title of the present Act, and such Lazaretto shall be under the full and absolute control, management, and direction of the Board of Health within whose district the same may be erected or procured, subject nevertheless to the rules and regulations hereinafter mentioned.

3. Each and every Board of Health to be appointed by virtue of this Act, and each and every member of any such Board in their respective Districts, shall have full power and authority, collectively and individually, at all convenient times in the day time to visit, inspect, and examine any person or persons suspected to be labouring under or infected with the disease hereinbefore mentioned, and for that purpose to enter into any house, building, or enclosure in which it may be suspected that any such person or persons may be found, and to break open the same if necessary so to do in order to obtain entrance, and by order in writing under the hand of any member of such Board of Health, to cause to be removed to the Lazaretto all and every person or persons who upon such examination and inspection shall be found to be labouring under or infected with the said disease, there to be kept and detained subject to the rules and regulations made and ordained or to be made and ordained for the government of such Lazaretto.

4. It shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice aforesaid, from time to time to make, ordain, and establish such bye laws, rules, and regulations for the due care, government, management, and

support, medical, surgical, and other superintendence of any Lazaretto already erected under the provisions of any law now in force, or to be erected or procured under any of the provisions of this Act, as to His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice aforesaid, shall appear expedient and necessary, and to rescind, cancel, and annul any such bye laws, rules, and regulations, and in his discretion, with the advice aforesaid, others in their place to make and ordain, and to enforce the same and every thereof by the imposition of such moderate and reasonable fines and penalties to be expressed in such bye laws and regulations, not exceeding for any one breach of the said bye laws or regulations, or of any one of them, the sum of five pounds, to be sued for, recovered, and levied in like manner as the penalties imposed by the sixth Section of this Act are directed to be sued for, recovered, and levied; provided always, that no offender prosecuted and convicted for any penalties or forfeitures under this Section shall for the want of goods and chattels whereon to levy the same, be committed to the common gaol, there to remain without bail or mainprize, for a period of more than twenty days or less than five days; which fines or penalties when recovered, after the payment of expenses of prosecution, shall be paid over to the Secretary and Treasurer of the said Board of Health, and be applied towards defraying the expenses of the said Lazaretto.

5. It shall and may be lawful for any Board of Health to be appointed by virtue of this Act, and for each and every member of the same, to call upon any Magistrate, Constable, or other peace officer, or any other person, to render aid and assistance in carrying into effect the provisions of this Act, or of any rule or regulation to be made under the authority of the same, or in exercising the powers and authority hereby given, and all such persons are hereby required to be aiding and assisting such Boards of Health, and the several members thereof respectively, when so called upon as aforesaid.

6. If any person or persons shall directly or indirectly obstruct or resist any of the Boards of Health so to be appointed, or any member of the same, or any person or persons acting in aid of or under the authority, direction, or

requisition of such Board, or member thereof, in removing any person or persons infected, or reasonably suspected to be infected with the said disease, or shall conceal or secrete any diseased person, or shall assist any such diseased or suspected person in escaping, or secrete or conceal any such person or persons as shall or may escape from any Lazaretto erected or procured by virtue of this Act; every person or persons so offending shall forfeit and pay a penalty not less than five pounds nor more than twenty pounds, to be recovered on the oath of one or more credible witness or witnesses before any one of Her Majesty's Justices of the Peace of the County in which such offence may be committed, at the suit of any member of the Board of Health within whose district such offence may be committed, to be levied by warrant under the hand and seal of such Justice, by distress and sale of the goods and chattels of such offender, and for want of sufficient goods and chattels, such offender shall be committed to the common gaol of such County, there to remain without bail or mainprize for a period of not more than forty nor less than twenty days; which penalty when recovered shall be applied as follows, namely, one half to the person prosecuting for the same, and the other half towards defraying the expenses of the Lazaretto.

7. All and every person and persons who shall or may be sued or prosecuted for any thing by him or them done or committed under the powers given or liabilities created by virtue of this Act, he or they shall be allowed to plead the general issue in such suit and give any special matter in evidence.

8. It shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice aforesaid, by Warrant under his hand, to direct and require the removal to such Lazaretto of any person or persons who upon examination and inspection shall be found to be labouring under or infected with such disease, and who may be found in any part of the Province to which the powers hereby given to the Board of Health to be constituted under this Act may not extend, there to be detained as provided by the third Section of this Act.

9. The Boards of Health already appointed and now in operation under the provisions of the said Act made and passed in the seventh year of Her said Majesty's Reign, under the same title of this Act, shall continue and remain in office in like manner as if appointed under this Act, and until another Board or Boards of Health shall be appointed in their place under the provisions of this Act, any thing in this Act contained to the contrary notwithstanding.

10. This Act shall not come into operation or take effect until the first day of May next, and the same shall from thence continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty two.

15th VICTORIA—CHAPTER 64.

An Act to continue an Act to prevent the spread of a disorder now existing in certain parts of the Counties of Gloucester and Northumberland.

Section 1.—Act 13 V. c. 18, continued.

Passed 7th April 1852.

Be it enacted, &c.—1. An Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act to prevent the spread of a disorder now existing in certain parts of the Counties of Gloucester and Northumberland*, be and the same is hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty seven.

17th VICTORIA—CHAPTER 9.

An Act to authorize the erection of a Marine Hospital at the Port of Bathurst.

Section 1.—Hospital may be erected from surplus sick and disabled Seamen's Fund.

Passed 20th March 1854.

WHEREAS from the increase of Shipping resorting to the Port of Bathurst, it has been found necessary to erect an Hospital for the reception of sick Seamen, at or near the Town of Bathurst;—

Be it therefore enacted, &c.—1. The surplus money (if any) raised in the Port of Bathurst, under and by virtue of any Act of the General Assembly now in force, or which hereafter may be in force relating to the relief and support of sick and disabled Seamen, not being paupers, belonging to this Province, shall after the payment of any debts incurred for the medical attendance and support of sick and disabled Seamen at that Port, be applied to defray the expense of erecting a suitable building as a Hospital for such Seamen, until the expense of erecting such building be defrayed.

PRIVATE ACTS.

CHURCHES.

2nd GEORGE 4th—CHAPTER 16.

An Act to authorize the Rector, Church Wardens, and Vestry of Saint Andrew's Church, in the Parish of Saint Andrews, to convey a certain piece of Glebe Land of the said Parish, and to dispose of the money arising from the sale thereof in the purchase of other lands.

Section.

1. Land, how and by whom conveyed.
2. Purchase money, how laid out.

Section.

3. Act what deemed.

Passed 20th March 1821.

WHEREAS the Rector, Church Wardens, and Vestry of Saint Andrew's Church, in the Parish of Saint Andrews, have, for and in consideration of the sum of one hundred and ten pounds, with the consent of the Reverend Jerome Alley, the present Rector or Minister of the said Parish, and the approbation of the Ecclesiastical Commissary for the Diocese, agreed with Thomas Wyer, Junior, Esquire, for the sale to him the said Thomas Wyer, Junior, of a certain piece of land in the said Parish of Saint Andrews, being part of a lot heretofore granted by Letters Patent under the Great Seal of this Province to the Rector, Church Wardens, and Vestry of Saint Andrew's Church, in the Parish of Saint Andrews, as a Glebe for the use, benefit, and behoof of the Rector, Parson, or Minister of the said Church for the time being; which piece of land is bounded and described as follows, to-wit:—Commencing at a stake and stones on the northeast line of Prince of Wales Street; thence running south forty five degrees east along the same, five chains of four poles each, to a stake and stones opposite the centre of King Street; thence north forty five degrees east, five chains, to the rear line of the Glebe land, lying northeast of and adjoining the Town plat of Saint Andrews; thence along said rear line south forty five degrees east, five chains, to another stake and stones; and thence south forty five degrees west, five chains, or until it intersects the northeast line of Prince of Wales Street, at the bounds first mentioned; contain-

ing two and a half acres: And whereas it is expedient, and will be for the benefit of the said Church, that the said agreement should be carried into effect; for the perfecting of which said agreement, and for carrying the same into full force and effect,—

Be it enacted, &c.—1. The said Rector, Church Wardens, and Vestry of Saint Andrew's Church, in the Parish of Saint Andrews, be and they are hereby authorized and empowered, upon the receipt of the said sum of one hundred and ten pounds, by a good and sufficient deed to convey to the said Thomas Wyer, Junior, and his heirs and assigns, the said hereinbefore described piece of ground, to hold the same to him and his heirs and assigns for ever, saving nevertheless the right and title of the King's Majesty, His Heirs and Successors, and of any other person or persons, body politic and corporate, excepting the said Rector, Church Wardens, and Vestry of Saint Andrew's Church, in the Parish of Saint Andrews, and the said Rector, Parson, or Minister of the said Church, and the said Thomas Wyer, Junior, and any person or persons claiming by, from, or under them or any of them.

2. The said sum of one hundred and ten pounds shall, within six months from the time of the passing of this Act, be by the said Rector, Church Wardens, and Vestry of Saint Andrew's Church, in the Parish of Saint Andrews, laid out and invested in other land in the said Parish of Saint Andrews, for the use, benefit, and behoof of the Rector, Parson, or Minister of the said Church for the time being; provided always, that the purchase shall be made by and with the approbation of the said Rector, Parson, or Minister of the said Church for the time being, and not otherwise.

3. This Act shall be deemed and taken to be a public Act; any thing to the contrary thereof in any wise notwithstanding.

5th GEORGE 4th—CHAPTER 19.

An Act for erecting a separate Parish in the City of Saint John.

Section.

1. Parish of Carleton, how established.
2. Inhabitants of, whom to choose for Church Wardens, &c.; how incorporated.

Section.

3. Saint John Parish, Corporation may convey to whom.
4. What rights saved.

Passed 11th March 1824.

WHEREAS in and by an Act made and passed in the twenty ninth year of the Reign of His late Majesty King George the Third, intituled *An Act for erecting a Parish in the City of Saint John, and incorporating the Rectors, Church Wardens, and Vestries of the Church of England in the several Parishes in this Province*, all the lands lying and being and contained within the limits of the said City of Saint John, on both sides of the Harbour of Saint John, are constituted and erected into one Parish, by the name of "The Parish of Saint John:" And whereas many of the inhabitants of the western part of the said City have, with the assent and concurrence of the Rector, Church Wardens, and Vestry of Trinity Church, in the said Parish, petitioned that that part of the said City of Saint John lying on the western side of the said Harbour of Saint John, comprehending Guy's Ward and Brooks' Ward, so called, and commonly called and known by the name of Carleton, should, for all ecclesiastical purposes, be constituted and established a separate and distinct Parish, by the name of "The Parish of Carleton," in order that a separate Rectory or Mission may be there appointed, and the Chapel there lately erected become the Parish Church of such Parish: And whereas it appears expedient and proper, as well from the great increase of inhabitants in the said City, since the passing of the above mentioned Act, and the local situation thereof, as for divers other good causes and considerations, that the same should be divided, for the above mentioned purposes, into two Parishes;—

Now therefore be it enacted, &c.—1. From and after the first day of January which will be in the year of our Lord one thousand eight hundred and twenty five, that part of the said City of Saint John, lying on the western side of the said Harbour of Saint John, and comprehending the said Guy's Ward and Brooks' Ward, shall and the same is hereby declared to be, from and after the said first day of January one thousand eight hundred and twenty five, a separate and distinct Parish within the said City of Saint John, for all matters and purposes ecclesiastical or relating to the Established Church of England, by the name of "The Parish of Carleton, in the City of Saint John."

2. The inhabitants of the said Parish of Carleton, who shall be duly qualified according to the Act of Assembly for that

purpose made and provided, shall on the Easter Monday which shall first happen in the said year of our Lord one thousand eight hundred and twenty five, and for ever thereafter, yearly and every year, assemble and meet together at the said Parish Church of Carleton, and then and there, by a plurality of voices, elect and choose two fit persons, belonging to the said Parish, to be Church Wardens for the year then next ensuing, and any number, not exceeding twelve, of other fit persons, belonging to the said Parish, to be Vestrymen for the year then next ensuing, who shall thereupon enter into the execution of their respective offices, and shall continue in the same until other fit persons shall be chosen in their stead; which persons so elected and chosen, together with the Rector of the said Parish, duly appointed and inducted, and their successors for ever, shall be a body politic and corporate in deed and in name, and shall have succession for ever, by the name of "The Rector, Church Wardens, and Vestry of Saint George's Church, in the Parish of Carleton, in the City of Saint John," and shall be entitled to, and have, take, and enjoy all the powers, capacities, immunities, rights, and privileges, and be subject in all respects to the directions and provisions contained in the said recited Act, and the Act made in explanation and amendment thereof in the fifty sixth year of the Reign of His said late Majesty.

3. The Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Saint John, shall and may, and are hereby authorized and required, to grant, convey, and release unto the Rector, Church Wardens, and Vestry of Saint George's Church, in the Parish of Carleton, in the City of Saint John, when duly appointed, all the right, title, and interest of the said Rector, Church Wardens, and Vestry of Trinity Church, in the said Parish of Saint John, of, in, and to the said lands and Chapel, at Carleton, and the rents, profits, and reversions of the pews therein, and of, in, and to all and singular the lands, tenements, and hereditaments whatsoever, situate and being within the limits of the said Parish of Carleton, to them the said Rector, Church Wardens, and Vestry of Trinity Church, in the said Parish of Saint John, in any wise belonging; to have and to hold to the said Rector, Church Wardens, and Vestry of Saint George's Church, in the said Parish of Carleton, their successors and assigns, for ever.

4. Nothing in this Act contained shall be construed in any way to abridge, diminish, or take away any of the rights, powers, privileges, and advantages of the Mayor, Aldermen, and Commonalty of the City of Saint John, or of any of the citizens or inhabitants of the said City, as granted to them in and by the Charter of the said City, any thing herein contained to the contrary thereof in any wise notwithstanding.

7th GEORGE 4th—CHAPTER 20.

An Act to authorize the Rector, Church Wardens, and Vestry of Christ Church, in the Parish of Saint Stephen, to dispose of a part of a tract of Glebe Land in that Parish, and to vest the proceeds in other lands more productive to the Rector.

Section

Section.

1. Corporation, what part of Glebe may sell, and how.

2. How proceeds disposed of.

Passed 7th March 1826.

WHEREAS a certain tract of Land, situated in the Parish of Saint Stephen, in the County of Charlotte, adjoining the Village of Milltown, heretofore granted by Letters Patent under the Great Seal of this Province to the Church Wardens and Vestry of the Parish of Saint Stephen, for the use, benefit, and behoof of the Rector, Parson, or Minister for the time being, lies now almost a common, yielding but a trifling income to the incumbent: And whereas from the contiguity of the front of the said tract to the said Village, a part of the same tract would sell in building lots for high prices, and the money arising from such sales being vested in other lands, would improve the state of the Glebe, and render the same more profitable to the incumbent;—

Be it therefore enacted, &c.—1. The Rector, Church Wardens, and Vestry of Christ Church, in the Parish of Saint Stephen, be and they are hereby empowered to sell in building lots the front of the said Glebe Lot, (not exceeding thirty acres), and to make good and sufficient deeds of conveyance of the same, with the concurrence of the Archdeacon or Ecclesiastical Commissary of this Province, who shall be a party to every such deed of conveyance, and sign and seal the same.

2. The amount arising from such sale shall be expended by the said Rector, Church Wardens, and Vestry in the purchase of other lands to them and their successors, for the use, benefit, and behoof of the said Rector of Christ Church, in the Parish of Saint Stephen, and his successors, as a Glebe, in such manner as shall be directed by Commissioners to be for that purpose nominated and appointed by the Lieutenant Governor or Commander in Chief for the time being, by warrant under his hand and seal, which Commissioners, or the major part of them, shall signify their assent to any deed or deeds of conveyance of lands so purchased under and by their directions, by signing and sealing the same.

10th & 11th GEORGE 4th—CHAPTER 26.

An Act to confirm a division made of certain Lands situate at Chamcook, in the Parish of Saint Andrews, granted to the Justices of the County of Charlotte in trust for the use and benefit of the Rector or Minister and Parish School of the same Parish.

Section.

1. Division of land.
2. What tract to be conveyed by, and to whom.
3. What School tracts vested in whom.

Section.

4. Lands held in trust not to be conveyed.
5. Reservation of rights.
6. Act what deemed.

Passed 8th March 1830.

WHEREAS by a certain grant or Letters Patent under the Great Seal of the Province of New Brunswick, bearing date the ninth day of November in the year of our Lord one thousand seven hundred and eighty seven, certain tracts of land situated at Chamcook, in the Parish of Saint Andrews, in the County of Charlotte, were granted to the Justices of the Peace of the said County in trust for the use, behoof, and benefit of the Rector or Minister and of the School of the said Parish of Saint Andrews: And whereas at the General Sessions of the Peace for the said County held in the month of April in the year of our Lord one thousand eight hundred and twenty one, the said Justices in General Sessions, at the joint request of the Rector of the said Parish and of the Trustees for the Parish School, ordered an equal division of the said tracts of land so granted as aforesaid to be made between the parties interested therein, under the trusts of the said grant: And whereas an equal

division has been made of the said tracts of land pursuant to the order of the said Justices in General Session; and the said Rector's share or division of the said land, according to the division so made as aforesaid, is distinguished and described by the survey and plan of division made thereof by Colin Campbell, Esquire, Deputy Surveyor, as follows, to-wit :—The first tract, letter C, beginning on the northern bank or shore of Passamaquoddy Bay, at the eastern boundary of a tract of land granted to the first Minister of Saint Andrews; thence running along the eastern line of the said grant and the extension thereof north by the magnet thirteen degrees thirty minutes west, eighty eight chains of four poles each; thence north seventy six degrees thirty minutes east, forty chains; thence south thirteen degrees thirty minutes east, one hundred and four chains; thence southeasterly across Kilmarnick head to a cove marked with a cross; thence following the several courses of Kilmarnick head aforesaid in a southerly and northwesterly direction to the southeastern boundary of the said tract, letter C; thence westerly along the shore of Passamaquoddy Bay aforesaid to the place of beginning: The second tract, letter A, beginning at the southwestern angle of the first division of the Penobscot grant; thence running south seventy six degrees thirty minutes west, one hundred and twenty two chains, to the reserved road which bounds the third division of the Penobscot grant aforesaid; thence along the said road north thirteen degrees thirty minutes west, forty three chains, to the southwestern angle of lands granted to John Rigby and others; thence along the southern line of the said lands north seventy six degrees thirty minutes east, one hundred and forty two chains, to the western side line of the first division of the Penobscot grant aforesaid; thence along the said line south thirty eight degrees east, twenty six chains; thence along a small stream to the place of beginning: The third tract, embracing lots letters B and D, beginning at the northeastern angle of a tract of land granted to the first Minister of Saint Andrews; thence running along the northern line of the said grant and of the grant to Thomas Wyer and others, south seventy six degrees thirty minutes west, one hundred and twenty five chains, to the reserved road which bounds the third division of the Penobscot grant aforesaid; thence along the said road north thirteen degrees thirty minutes

west, forty eight chains; thence north seventy six degrees thirty minutes east, one hundred and twenty two chains, to the south-western angle of the first division of the Penobscot grant aforesaid, at the shore of Passamaquoddy Bay; thence southerly along the several courses of the said shore and of Kilmarnick head aforesaid, to the cove marked with a cross as before mentioned; thence across Kilmarnick head in a northwesterly direction to the southern boundary of the said first tract; thence along the eastern line of the said first tract north thirteen degrees thirty minutes west, one hundred and four chains; thence south seventy six degrees thirty minutes west, forty chains; thence south thirteen degrees thirty minutes east, fifteen chains, to the place of beginning; as by reference to the said plan, or certified copy thereof, remaining in the office of the Registrar of Deeds and Wills for the County of Charlotte, will more fully and at large appear: And whereas it is deemed expedient that the said division of the said tracts of land so made as aforesaid should be confirmed and made perpetual by law;—

Be it therefore enacted, &c.—1. The division of the before mentioned tracts of lands so made as in the preamble of this Act is above mentioned and therein particularly described, shall be and the same is hereby confirmed and made perpetual.

2. The said Justices of the Peace of the County of Charlotte shall and they are hereby authorized and empowered to assign and convey unto the said Rector, Church Wardens, and Vestry of the Parish of Saint Andrews, by a good and sufficient deed, the said third tract hereinbefore described, embracing lots letters B and D as aforesaid, to have and to hold the same to the said Rector, Church Wardens, and Vestry, and their successors for ever, in trust for the use of the Rector for the time being, as a Glebe; and the Rector for the time being may have the use, benefit, and advantage of the said tract of land, embracing lots letters B and D as aforesaid, the same as any other land granted as a Glebe for the use of the Rector.

3. So much of the said tracts of land as is by the division above mentioned allotted to the Trustees of the Parish School aforesaid, and described as lots letters A and C in the said first and second tract, shall be and remain vested in the Justices of the Peace of the said County of Charlotte in trust for the use, benefit, and behoof of the Parish School of Saint Andrews aforesaid.

4. Nothing in this Act contained shall extend or be construed to extend to authorize the said Justices of the Peace for the said County of Charlotte to sell and convey absolutely and in fee simple any part or the whole of the said shares or divisions of the said tracts of land in the preamble of this Act mentioned, so by them to be held in trust for the said Parish School of Saint Andrews as aforesaid.

5. Nothing in this Act contained shall extend or be construed to affect or interfere with the right or title of the King's Majesty, His Heirs or Successors, or any other person or persons, body politic or corporate, other than the said Justices, Trustees of the Parish School of Saint Andrews, and the Rector of the said Parish respectively.

6. This Act shall be deemed and taken to be a public Act, any thing herein contained to the contrary thereof in any wise notwithstanding.

7th WILLIAM 4th—CHAPTER 29.

An Act to enable the Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Saint John, in the City of Saint John, to sell certain land in the said City.

Section.

1. Authority to sell land, &c.

Section.

2. Proceeds, how disposed of.

Passed 1st March 1837.

WHEREAS the Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Saint John, in the City of Saint John, are now possessed of a certain lot of land situate and being in the said City, and bounded and described as follows, that is to say,—The eastern or rear part of that certain lot, piece, and parcel of land known and distinguished on the map or plan of that part of the said City lying on the eastern side of the harbour thereof, by the number one hundred and twenty one, bounded on the north by lands belonging to and in the occupation of John Robertson, Esquire, on the east by lands belonging to and in the occupation of Isaac Lawton Bedell, Esquire, on the south by lands belonging to the estate of the late William Donald, Esquire, and on the west by the front part of the same lot number one hundred and twenty one, together also with a right of way from the said rear part of the

same lot to Germain Street: And whereas it is deemed advisable that the interests of the said Rector, Church Wardens, and Vestry of and in the same lot of land should be sold and disposed of, and the proceeds arising from such sale applied either towards the payment of the debt due by them, or else in the purchase of other lands;—

Be it therefore enacted, &c.—1. The said Rector, Church Wardens, and Vestry of Trinity Church, be and they are hereby authorized and empowered to make sale and dispose of the said lot of land and premises, with the appurtenances, to the highest bidder at public auction, thirty days notice of the time and place of such sale being first given in one or more of the Newspapers published in the City of Saint John; and thereupon to make and execute a good, legal, and sufficient conveyance of the same in fee, any former law to the contrary notwithstanding; provided always, that no sale and disposition of the said premises shall be made without the consent and approbation of the Bishop of the Diocese being thereto first had and obtained; which consent and approbation shall be manifested by the Archdeacon or Ecclesiastical Commissary of this Province becoming a party to the deed of conveyance of the same premises made under this Act, and by and with the direction of such Bishop signing and sealing the same.

2. The money arising from the sale and disposal of the said premises shall be paid and applied by the said Rector, Church Wardens, and Vestry, either towards the payment of the debts due by them, or else in the purchase of other lands.

4th VICTORIA—CHAPTER 3.

An Act relating to the Parish Church of the Parish of Portland, in the County of Saint John, and to the Church Corporation of the said Parish.

Section.

1. Repeal of what Act.
2. What to be Parish Church of Portland.
3. Grace Church debts and property transferred to Saint Luke's.

Section.

4. Preference moneys and pew rents, to whom payable.
5. Certain lands to be vested in St. Luke's.
6. What lands may convey to Madras School.

Passed 19th March 1841.

WHEREAS in and by an Act made and passed in the sixth year of the Reign of His Majesty King William the Fourth, intituled *An Act to regulate the election of Church Wardens*

and Vestrymen in the Parish of Portland, in the County of Saint John, and to extend such regulations to other Parishes where the sittings in the Church may be free and open, it was enacted—“ That the Church Wardens and Vestry of the said Church, so soon as they might be duly elected and chosen, pursuant to the provisions of the said Act, together with the Rector of the said Church for the time being, and their respective successors for ever, should be a body politic and corporate in deed and name, and should have succession for ever, by the name of ‘ The Rector, Church Wardens, and Vestry of Grace Church, in the Parish of Portland ;’ ” and it is also further enacted—“ That Grace Church should be deemed and taken to be the Parish Church of the said Parish of Portland, until the said Rector, Church Wardens, and Vestry should have erected another Church instead thereof, and the same should be duly consecrated to that purpose and opened for public worship, according to the rites and ceremonies of the Church of England, and in case of the erection of such other Church, all the provisions of the said Act should extend and be construed to extend to the said new Church, in as full and ample a manner as if the same were particularly re-enacted and applied to such new Church :” And whereas since the passing of the said Act, another large and commodious Church has been erected within the said Parish, and has been recently consecrated, and is now used for public worship, by the name of “ Saint Luke’s Church,” the expense of which has been partly defrayed by private subscription, but it was found necessary in order to raise sufficient funds for completing the same, and for making a regular provision for the support of the Minister or Rector of the said Parish, to dispose of pews in the said Church, subject to the payment of annual rents, as is done in the Parish of Saint John, and in the other Parishes of the Province, reserving however free seats for the accommodation of poor persons to the number of two hundred and fifty at least, in consequence whereof the provisions of the said recited Act have become inapplicable to the said Parish of Portland, and it is expedient that the Parish of Portland and Church Corporation therein be placed on the same footing, and elected in like manner as those in other Parishes : And whereas the Rector, Church Wardens, and Vestry of Grace Church,

together with many other Parishioners of the said Parish have, by their Petition to the General Assembly, prayed that an Act may pass for the purpose above mentioned, which Petition has received the sanction of the Lord Bishop of the Diocese, and of the Archdeacon of the said Province : And whereas it is expedient that the said recited Act should be repealed ;—

Be it therefore enacted, &c.—1. The said Act, intituled *An Act to regulate the election of Church Wardens and Vestrymen in the Parish of Portland, in the County of Saint John, and to extend such regulations to other Parishes where the sittings in the Church may be free and open*, shall be and the same is hereby repealed.

2. The said Church called Saint Luke's Church, shall and is hereby declared to be the Parish Church of the said Parish, and the Rector of the said Parish, duly constituted and appointed, together with the Church Wardens and Vestry of the said Church, so soon as they may be duly elected and chosen pursuant to the Acts in force relative to the election of Church Wardens and Vestrymen, and their respective successors for ever, shall be a body politic and corporate in deed and name, and shall have succession for ever by the name of "The Rector, Church Wardens, and Vestry of Saint Luke's Church, in the Parish of Portland."

3. All debts due and owing to the Rector, Church Wardens, and Vestry of Grace Church, in the said Parish of Portland, shall be paid to and may be recoverable by and in the name of the Rector, Church Wardens, and Vestry of Saint Luke's Church aforesaid, in the same manner as if the said debts had been contracted with them ; and all property, real and personal, of the said Corporation of Grace Church, shall become vested in the said new Corporation, and shall be holden henceforth by them in the same manner as the former Corporation could have held the same ; and the said new Corporation shall be liable to the debts, contracts, and engagements of the old Corporation, and the said new Corporation shall be deemed the lawful successors of the said old Corporation.

4. All purchase or preference moneys and rents due or to become due for pews or sittings in Saint Luke's Church, upon and by virtue of the sales by auction or private bargain to any person or persons, shall be payable to, and may be recoverable

by and in the name of the said Rector, Church Wardens, and Vestry of Saint Luke's Church, in the same manner as if the contracts had been made with them; and in default of such payments, the said Rector, Church Wardens, and Vestry may sue for the same or proceed to a forfeiture of the said pews and sittings, according to the rules or conditions under which the sales or contracts were originally made; provided always, that at least two hundred and fifty free sittings for poor persons shall always be left in the said Church.

5. And whereas in and by a certain indenture bearing date the sixteenth day of April in the year of our Lord one thousand eight hundred and forty, duly executed, acknowledged, and registered, James White, of the City of Saint John, in the Province of New Brunswick, Esquire, and Elizabeth, his wife, for certain consideration therein mentioned, did grant, bargain, and sell unto the Church Corporation of the said Parish, by the name of the Minister, Church Wardens, and Vestry of Grace Church, in the Parish of Portland, in the County of Saint John, in the said Province, their successors and assigns, all that certain lot, piece, and parcel of land, situate, lying, and being in the said Parish of Portland, bounded and described as follows, that is to say,—Beginning at a stake and stones at the intersection of the northern line of the old Indiantown road, so called, by a prolongation of the line running north fifteen degrees east or thereabouts, dividing the lands formerly owned and occupied by the Honorable William Hazen, from the lands formerly owned and occupied by the late James White, Esquire; thence from the said stake and stones northerly by the said prolongation of the said dividing line, till it meets the south-westerly side line of the Queen's land at Fort Howe; thence by the said last mentioned line northwesterly, till it meets the dividing line between the land of the said James White, Esquire, the grantor in the said deed, and the land of James Peters, Esquire; thence southerly by the said last mentioned dividing line to the northern line of the said old Indiantown road; thence by the said line of the said road easterly to the place of beginning; together with all buildings and improvements thereon, and all the rights, members, and appurtenances thereto belonging, to have and to hold the same unto the said Minister, Church Wardens, and Vestry, their successors and assigns, to

their only proper use and behoof, for ever ;—The said deed and conveyance, and the estate thereby granted, bargained, and sold, shall be deemed good, valid, and effectual, notwithstanding the mistake in the name of the Corporation, and to have vested the title therein and thereto in the Rector, Church Wardens, and Vestry of Grace Church ; and upon their dissolution by virtue of this Act, to be and to become vested in the Rector, Church Wardens, and Vestry of Saint Luke's Church, and their successors, in the same manner as any other property of the said Rector, Church Wardens, and Vestry of Grace Church.

6. And whereas the object of the Church Corporation in making the purchase of the said lot of land in the next preceding Section mentioned, was to erect and build thereon a School house, which has been partially accomplished ; and it has been considered advisable that such School should be conducted upon the Madras system, but in order to effect this it may become necessary to assign and convey the same to the Governor and Trustees of the Madras School in New Brunswick ;—The said Rector, Church Wardens, and Vestry of Saint Luke's Church, and their successors, shall be fully authorized and empowered to make sale and conveyance of the said lot of land and School house thereon to the said Governor and Trustees of the Madras School, and their successors, in trust, nevertheless, for the purpose of a School in the said Parish, to be considered a branch of the Provincial Madras School, and for no other use or purpose whatsoever ; and upon this condition, that if such School shall not be established and commence within two years from the passing of this Act, or if after being established it shall be discontinued for any time or term, together exceeding one year, or shall not be continued and kept in operation for at least six months in every year after the expiration of the said two years, the said land and School, and all the estate, right, title, and interest therein, shall revert and become reinvested in the said Rector, Church Wardens, and Vestry of Saint Luke's Church, and their successors, in the same manner as if the same had not been conveyed to the said Governor and Trustees of the Madras School.

7. This Act shall continue and take effect on Easter Day, being the eleventh day of April next.

7th VICTORIA—CHAPTER 6.

An Act to authorize the Rector, Church Wardens, and Vestry of Saint Ann's Church, in the Parish of Sackville, to sell certain lots of Glebe Land, and to dispose of the money arising from the sale thereof in the purchase of other lands.

Section.

Section.

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| 1. Corporation of Saint Ann's Church, what lands may sell. | 2. Proceeds, how applied. |
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Passed 25th March 1844.

WHEREAS the Rector, Church Wardens, and Vestry of Saint Ann's Church, in the Parish of Sackville, are seized and possessed of certain Lands, situate in the Parish of Sackville, viz :—A certain one hundred acre lot of wood land, number nine, in letter A division, situate at Second Westcock Hill, in the Parish aforesaid, bounded on the northwest by the Parish line, on the northeast by lands in the possession of Robert Clark, on the southeast by a base line between two tier of lots, and on the southwest by lands belonging to C. Dixon Bulmer; also a certain other one hundred acre lot of land, being number nine, in letter A division, situate at Westcock, so much of the said lot as lies to the southeast of the Bye Road leading to the British Settlement, and between the said Road and Chignecto Bay : And whereas it would tend much to the advantage of the said Church of the Parish of Sackville, if the said lots of land above described were sold and disposed of, and the proceeds thereof applied towards the payment of the debt due for reclaiming a certain glebe lot of marsh, and in the purchase of lands more productive ;—

Be it enacted, &c.—1. The said Rector, Church Wardens, and Vestry of Saint Ann's Church, in the Parish of Sackville, be and they are hereby authorized and empowered to make sale and dispose of the said lots of land and premises, with the appurtenances, or any part or parts thereof, for such price or prices as they may be able to obtain therefor, and thereupon to make and execute good, legal, and sufficient conveyances of the same in fee, any former law to the contrary notwithstanding.

2. The money arising from the sale and disposal of the said lots of land and premises, with the appurtenances, shall be paid and applied by the said Rector, Church Wardens, and Vestry,

first to the payment of the debt incurred in dyking a certain glebe lot of salt marsh, situate on the Cole's Island Marsh, so called, and the balance of the amount of such sale shall be expended in the purchase of other more productive lands to them and their successors, for the use, benefit, and behoof of the said Rector of Saint Ann's Church, in the Parish of Sackville, and his successors, as a Glebe.

11th VICTORIA—CHAPTER 44.

An Act to authorize the Rector, Church Wardens, and Vestry of Saint Mary's Church, in the Parish of Richibucto, to sell certain Lands granted to the said Corporation, and vest the proceeds in other lands.

Section 1.—What lands Corporation may sell, and how invest proceeds.

Passed 30th March 1848.

WHEREAS the Rector, Church Wardens, and Vestry of Saint Mary's Church, in the Parish of Richibucto, are seized and possessed of certain lands in the Parish of Richibucto, under and by virtue of a Grant from the Crown bearing date the twenty sixth day of September in the year of our Lord one thousand eight hundred and thirty eight: And whereas a portion of the said lands, prior to the issuing of the Grant, had been improved by George Kinread, who is now in the occupation thereof; and the said George Kinread hath agreed to purchase from the said Rector, Church Wardens, and Vestry, one hundred acres of the said land, to include the improvements made by him, at and for a certain sum of money; and the said Rector, Church Wardens, and Vestry are desirous of disposing of the same to the said George Kinread, and vesting the proceeds arising from such sale in other lands for the said Corporation;—

Be it therefore enacted, &c.—1. The said Rector, Church Wardens, and Vestry of Saint Mary's Church, in the Parish of Richibucto, by and with the approbation of the Lord Bishop of the Diocese, be and they are hereby authorized and empowered to sell and dispose of one hundred acres of land to the said George Kinread, his heirs and assigns, in fee simple, for such sum or price as they may agree, and to vest the sum so received in other lands for the purpose of a Glebe for the Rector of the said Church.

11th VICTORIA—CHAPTER 45.

An Act to authorize and empower the Rector, Church Wardens, and Vestry of Saint Thomas' Church, in the Parish of Saint James, in the County of Charlotte, to sell and convey certain Glebe and Church Lands in said Parish, and vest the proceeds in other lands more productive.

Section.

1. What lands may sell.

Section.

2. Proceeds, how reinvested.

Passed 30th March 1848.

WHEREAS certain tracts of Land, situate in the Parish of Saint James, in the County of Charlotte, heretofore granted by Letters Patent under the Great Seal of this Province to the Rector, Church Wardens, and Vestry of Saint Thomas' Church, in said Parish of Saint James, in part for the use, benefit, and behoof of the Rector for a Glebe, and in part for the use of the Church, now yield no income either to the Rector or the Church: And whereas it is believed that the several tracts of Glebe and Church Lands could now be sold in farm lots, at fair prices, and that the money arising from said sales might be invested in the purchase of other lands, for the use and benefit of the said Rector, and of the said Church, which would be more productive to each respectively;—

Be it therefore enacted, &c.—1. The Rector, Church Wardens, and Vestry of Saint Thomas' Church, in the Parish of Saint James, be and they are hereby authorized and empowered to sell, in farm lots, all or any of said Glebe and Church lands, and make good and sufficient deeds of conveyance of the same, with the concurrence of the Lord Bishop of the Diocese, or in his absence, of the Archdeacon or Ecclesiastical Commissary of the Province, one or other of whom shall be a party to every such deed of conveyance, and sign and seal the same.

2. The amounts arising from such sales of Glebe and Church lands respectively, shall be reinvested by the said Rector, Church Wardens, and Vestry, in the purchase of other freehold property, that is to say, the amount arising from the sales of Glebe lands in Glebe property to them and their successors, for the use, benefit, and behoof of the Rector of the said Church of Saint Thomas, in the Parish of Saint James, for the time being, and the amount arising from the sales of the Church

lots in freehold property to them and their successors, for the use of the Church.

12th VICTORIA—CHAPTER 56.

An Act to authorize and empower the Rector, Church Wardens, and Vestry of Saint George's Church in the Parish of Bathurst, in the County of Gloucester, to sell and convey a certain tract or lot of Glebe Land situate in the said Parish, and to vest the proceeds in the purchase of other lands in a more desirable situation and more productive.

Section.

1. What lands may sell.

Section.

2. Proceeds, how reinvested.

Passed 14th April 1849.

WHEREAS a certain tract of Land situate on the north side of the Tatagouche River, in the Parish of Bathurst, in the County of Gloucester, known as lot B, containing two hundred and ten acres more or less, granted by Letters Patent under the Great Seal of the Province of New Brunswick to the Rector, Church Wardens, and Vestry of Saint George's Church, in the Parish of Bathurst, and their successors, for a Glebe, yields no income to the Rector of the said Parish: And whereas it is believed that the said tract of Glebe land could be sold at a fair price, and that the moneys arising from such sale might be invested in the purchase of other lands more conveniently situated and more beneficial and productive for the use and benefit of the said Rector;—

Be it therefore enacted, &c.—1. The Rector, Church Wardens, and Vestry of Saint George's Church, in the Parish of Bathurst, be and they are hereby authorized and empowered to sell, dispose of, and convey all and singular the said lot or tract of Glebe land, and make, seal, and deliver good and sufficient deeds of conveyance of the same in fee simple, by and with the approbation of the Lord Bishop of the Diocese, or in his absence, of the Archdeacon or Ecclesiastical Commissary of the Province, signified by either of them being a party to such deed, and signing the same.

2. The amount arising from such sale of Glebe land shall be invested by the said Rector, Church Wardens, and Vestry in the purchase of other freehold property more conveniently

situated for the use and behoof of the Rector of the said Church for the time being, to hold the same to the said Rector, Church Wardens, and Vestry, and their successors, for ever, for a Glebe for the use and behoof of the Rector of the said Church for the time being.

13th VICTORIA—CHAPTER 14.

An Act to authorize the Rector, Church Wardens, and Vestry of Saint Mary's Church, in the Parish of Richibucto, to sell certain Lands granted to the said Corporation, and vest the proceeds in other lands.

Section 1.—What lands may sell, and proceeds how dispose of.

Passed 11th April 1850.

WHEREAS the Rector, Church Wardens, and Vestry of Saint Mary's Church, in the Parish of Richibucto, in the County of Kent, are represented to be seized and possessed of certain lands in the Parish of Richibucto, in the said County of Kent, situate on the south side of the Richibucto River, which are unproductive; and it is deemed desirable to sell and dispose of the same, and to vest the proceeds arising from such sale in other lands for the said Corporation;—

Be it therefore enacted, &c.—1. The Rector, Church Wardens, and Vestry of Saint Mary's Church, in the Parish of Richibucto, by and with the approbation of the Lord Bishop of the Diocese, be and they are hereby authorized and empowered to sell and dispose of, at public auction or private sale, all their right, title, and interest to the following described piece of land, situated on the south side of Richibucto River, in the County of Kent:—Beginning at the southeast bank or shore of the Richibucto River, at the northerly angle of lot number five, granted to William Atkinson, and thence running south forty five degrees east by the magnet, twenty six chains of four poles each; thence north forty five degrees east, forty five chains, to the westerly boundary line of lot number seven, granted to Lewis Powell; thence along the said line north fifty one chains, to the bank or shore of the Richibucto River above mentioned; and thence along the said bank or shore up stream, to the place of beginning; and containing two hundred and sixty two acres, more or less, and described

as lot number six ; and to vest the sum so received in other lands, for the purpose of a Glebe for the Rector of the said Parish.

14th VICTORIA—CHAPTER 10.

An Act to authorize and empower the Trustees of certain Glebe Lands in the Parish of Moncton, in the County of Westmorland, to sell the same, and to vest the proceeds in other lands.

Section.

1. Who to execute deeds of what lands.

Section.

2. Proceeds, how disposed of.

Passed 15th March 1851.

WHERRAS the two pieces or parcels of Land hereinafter particularly described, situate in the Parish of Moncton, in the County of Westmorland, and bounded as follows, that is to say,—The first tract beginning at a marked spruce tree standing on the north bank or shore of Petitcodiac River, and at the southwesterly angle of the grant to Abraham Trites ; thence north one hundred and sixty two chains ; thence west thirty two chains ; thence south to the said side of Petitcodiac River aforesaid ; and thence along the bank or shore thereof down stream, to the place of beginning ; being lot A, adjoining the grant to Timothy Charters, containing four hundred and seventy eight acres, more or less, and also particularly described and marked on the plot or plan of survey annexed to the grant thereof: The second tract beginning at a marked fir standing at the southwesterly angle of lot number one, granted to John Mills in the grant to John Mills and others ; thence north one hundred and ten chains ; thence north sixty three degrees west, thirty two chains ; thence south one hundred and ten chains, or to a marked yellow birch tree standing at the southeasterly angle of lot number three, granted to Lewis Mills ; and thence south sixty three degrees east, thirty two chains, to the place of beginning ; being lot number two, containing three hundred and thirty acres, more or less, and also particularly described and marked on the plot or plan of survey annexed to the grant thereof ; were, with other land situate in other Parishes, granted by Letters Patent under the Great Seal of the Province of New Brunswick, unto the Chief

Justice, the Archdeacon, the Secretary, the Attorney General and Solicitor General of the said Province for the time being, and their successors in office, in trust, to be conveyed to the Corporations of the Church of England in the Parish where the same lie, whenever the same shall be legally established, as Glebes for the use of the Rectors or Ministers of the said Church in the said Parish respectively: And whereas at present there is no legal Corporation established in the said Parish of Moncton, and it is believed that the said several tracts or pieces of land could be sold at a fair price, and that the funds arising from such sale might be invested as well in the purchase of other lands more conveniently situated, as for other purposes more productive to the use of the present Minister or Missionary;—

Be it therefore enacted, &c.—1. The Chief Justice, the Archdeacon, the Secretary, the Attorney General and Solicitor General of the Province of New Brunswick for the time being, or their successors in office, be and they are hereby authorized and empowered to sell, dispose of, and convey all and singular the said lot or tracts of Glebe lands, and make, seal, and deliver good and sufficient deeds of conveyance of the same in fee simple.

2. The amount arising from such sale of the whole or any part of the hereinbefore described tracts of land shall be invested by the said Chief Justice, the Archdeacon, the Secretary, the Attorney General and Solicitor General for the time being, or their successors in office, in the purchase of other freehold property more conveniently situated for the use and behoof of the resident Minister or Missionary for the time being, to hold the same in trust to and for the use of said resident Minister or Missionary for the time being, and also in the erecting, furnishing, building, or completing a Parsonage House for the use of the said resident Minister or Missionary for the time being, in the said Parish; provided nevertheless, that not more than one half of the amount arising from such sale shall be applied towards the erecting, finishing, building, or completing such Parsonage House.

15th VICTORIA—CHAPTER 17.

An Act to erect another Parish in the City of Saint John for ecclesiastical purposes.

Section.

1. Parish of Saint James, how erected and incorporated.
2. What lands to be vested in new Corporation.

Section.

3. Church Wardens, &c., when chosen.
4. Church Wardens, &c., qualification of.
5. Powers of Corporation.

Passed 18th February 1852.

WHEREAS the Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Saint John, in the City of Saint John, at the request of many members of the Church of England in the said Parish, have petitioned that that part of the said Parish which lies to the southward of the centre of Queen Street should, for all ecclesiastical purposes, be set off as a separate and distinct Parish, in order that a separate Rectory or Mission may be there appointed, and the Chapel there lately erected by the said Rector, Church Wardens, and Vestry of Trinity Church, become the Parish Church of the said separate Parish: And whereas it appears expedient and proper, as well from the increase of the population, as from divers other good causes and considerations, that the prayer of the said petitioners should be complied with;—

Be it therefore enacted, &c.—1. From and after Easter Day, being the eleventh day of April in this present year, that part of the said Parish of Saint John which lies to the southward of a line running east and west through the centre of Queen Street in the said City, and of the easterly and westerly prolongation of such line through Queen's Square to the boundary lines of the said City, shall be and the same is hereby declared to be, from and after Easter Day aforesaid, a separate and distinct Parish within the said City for all matters and purposes ecclesiastical, or relating to the Established Church of England, by the name of "The Parish of Saint James, in the City of Saint John;" and the Church or Chapel lately erected by the said Rector, Church Wardens, and Vestry of Trinity Church, situate on lands lying between Main Street and Sheffield Street, and called and known by the name of "Saint James Church," shall be deemed and taken to be the Parish Church of the said Parish of Saint James; and the Church Wardens and Vestry of the said Parish of Saint James, so soon as they may be duly elected and chosen, together with

the Rector for the time being of the said Parish of Saint James, and their respective successors for ever, shall be a body politic and corporate in deed and in name, and shall have succession for ever by the name of "The Rector, Church Wardens, and Vestry of Saint James Church, in the Parish of Saint James, in the City of Saint John."

2. The Rector, Church Wardens, and Vestry of Saint James Church, in the Parish of Saint James aforesaid, shall and may, from Easter Day aforesaid, and for ever thereafter, stand seized of, have, hold, possess, and enjoy the several lots, pieces, and parcels of land and premises situate in Main and Sheffield Streets aforesaid, now belonging to the said Rector, Church Wardens, and Vestry of Trinity Church, together with the said Church or Chapel thereon standing, and being and known or called as "Saint James Church" as aforesaid, together with all and singular the rights, members, privileges, and appurtenances to the same and every part and parcel thereof belonging, or in any wise appertaining, as fully and effectually, and in like manner, and to all intents and purposes, as the Rector, Church Wardens, and Vestry of Trinity Church might or could have held and enjoyed the same before the passing of this Act.

3. Two Church Wardens and not more than twelve Vestrymen for the said Parish of Saint James, shall be elected and chosen by ballot on Easter Monday in each and every year, who shall continue in office until others shall be chosen in their stead.

4. Male inhabitants of the City of Saint John, of the age of twenty one years and upwards, who shall be owners of pews in the said Parish Church, and no others, shall be entitled to vote in the choice of, and also shall be qualified and capable to be elected Church Wardens and Vestrymen of the said Parish of Saint James; provided that no person shall be eligible as a Church Warden or a Vestryman, unless he shall be a member of the Church of England, and shall have been for at least six months previous a stated hearer and attendant at the public worship of the same; and provided also, that the ownership of a pew in the said Parish Church shall not entitle more than one person to vote in respect of such pew at any election.

5. The power and authority granted to a Church Corporation

by any law in force in this Province, and all and every the clauses, enactments, and provisions of an Act made and passed in the twenty ninth year of the Reign of King George the Third, intituled *An Act for erecting a Parish in the City of Saint John, and incorporating the Rectors, Church Wardens, and Vestries of the Church of England in the several Parishes in this Province*, and of all other Acts relating to such Corporations, and to the elections of Church Wardens and Vestrymen, now in force in the said Parish of Saint John, shall extend and be construed to extend to the said Parish of Saint James, erected by this Act, as fully and effectually as if such power and authority were herein specially granted, or such clauses, enactments, and provisions were herein particularly enacted, except so far as such clauses, enactments, and provisions may be inconsistent with the provisions of this Act.

16th VICTORIA—CHAPTER 12.

An Act to erect the Parish of Saint Mark, in the City of Saint John, for ecclesiastical purposes.

Section.

1. Parish of St. Mark erected and incorporated
2. What land and Church vested in Corporation.
3. Church Wardens, &c. when and how elected.

Section.

4. Who entitled to vote.
5. What bonds to be given by Saint John's Church.
6. Pew rents, how and when payable.
7. What powers extended to Corporation.

Passed 14th April 1853.

WHEREAS the Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Saint John, in the City of Saint John, at the request of many members of the Church of England in the said Parish, have petitioned that so much of the said Parish as lies to the northward of the centre of Union Street should, for all ecclesiastical purposes, be set off as a separate and distinct Parish, in order that a separate Rectory or Benefice may be there appointed, and the Chapel of Ease heretofore erected there by the said Rector, Church Wardens, and Vestry of Trinity Church may become the Parish Church of the said separate Parish: And whereas by a certain indenture bearing date the nineteenth day of May in the year of our Lord one thousand eight hundred and twenty three, duly executed, acknowledged, and registered, and made between the late Honorable Ward Chipman, Esquire, of the one part, and the

said Rector, Church Wardens, and Vestry of Trinity Church, of the other part, the said Ward Chipman for the considerations and purposes therein mentioned, did grant, bargain, sell, alien, release, and confirm unto the said Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Saint John, their successors and assigns, all that certain lot, piece, and parcel of land situate, lying, and being in King's Ward, in the said City and Parish of Saint John, and bounded and described as follows, that is to say,—Beginning at a point where the western line of Wellington Street meets the northern line of Carleton Street; thence running northerly on a prolongation of the said western line of Wellington Street one hundred feet; thence easterly on a line parallel with Carleton Street one hundred and five feet, or until it meets the western line of a lot of land heretofore sold and conveyed by the said Ward Chipman to Walter Lecain; thence running southerly, following the said western boundary of Lecain's lot, until it meets the said northern line of Carleton Street, to the place of beginning; making a lot of one hundred feet by one hundred and five feet, more or less, together with all and singular the rights, members, and appurtenances to the same belonging or in any wise appertaining, to have and to hold the said lot of land and premises thereby granted, bargained, and sold, or mentioned or intended so to be, unto the said Rector, Church Wardens, and Vestry, and to their successors and assigns for ever, but nevertheless on the conditions, and to and for, and upon the use, interests, and purposes, and subject to the proviso hereinafter contained, as by reference to the said indenture duly registered in the office of the Register of Deeds in and for the City and County of Saint John, reference being thereunto had, will more fully and at large appear; upon which said lot of land the said Rector, Church Wardens, and Vestry of Trinity Church have erected a Church or Chapel of Ease, called and known by the name of "Saint John's Church," and which Church is with their assent to become the Parish Church of the said new Parish of Saint Mark to be erected by this Act: And whereas it appears expedient and proper, as well from the increase of the population, as from divers other good causes and considerations, that the prayer of the said Petitioners should be complied with;—

Be it enacted, &c.—1. From and after the first Monday in May in this present year, that part of the said Parish of Saint John, in the City of Saint John, which lies to the northward of a line running east and west through the centre of Union Street, and of the easterly and westerly prolongation of such line to the boundary lines of the City, shall be and the same is hereby declared to be from and after the said first Monday in May next, a separate and distinct Parish within the said City of Saint John, for all matters and purposes ecclesiastical, or relating to the Church of England, by the name of “The Parish of Saint Mark, in the City of Saint John,” and the said Church or Chapel of Ease, called or known by the name of “Saint John’s Church,” shall be deemed and taken to be the Parish Church of the said Parish of Saint Mark; and the Church Wardens and Vestry of the said Parish, so soon as they may be duly elected and chosen, together with the Rector for the time being of the said Parish of Saint Mark, and their respective successors for ever, shall be a body politic in deed and in name, and shall have succession for ever by the name of “The Rector, Church Wardens, and Vestry of Saint John’s Church, in the Parish of Saint Mark, in the City of Saint John.”

2. The Rector, Church Wardens, and Vestry of Saint John’s Church, in the Parish of Saint Mark aforesaid, shall and may on and from the said first Monday in May next, and for ever thereafter, stand seized of, have, hold, possess, and enjoy the said lot of land and premises, with the appurtenances so granted and conveyed as aforesaid by the said Ward Chipman, together with said Church or Chapel of Ease thereon standing and being, together with all and singular the rights, members, privileges, and appurtenances to the same and every part and parcel thereof belonging, or in any wise appertaining, in like manner, and to all intents, uses, and purposes, as the said Rector, Church Wardens, and Vestry of Trinity Church might or could before the passing of this Act have held or enjoyed the same by virtue of the said indenture, or otherwise howsoever; subject nevertheless to such legal and equitable lien or claim as the person or persons having and holding the bonds or other securities at present existing under the seal of the said Rector, Church Wardens, and Vestry of Trinity Church, may or can have upon the rents, issues, and profits of the pews

in the said Church or Chapel of Ease, in the event of the other property now belonging to the said Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Saint John, being at any time hereafter found insufficient to discharge the same, and subject also to the payment of the sum of one thousand pounds, with interest thereon half yearly, to the said Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Saint John, their successors and assigns, as hereinafter mentioned.

3. Two Church Wardens and not more than twelve Vestrymen for the said Parish of Saint Mark, shall be elected and chosen by ballot on the said first Monday in May in this present year, and after the present year, on Easter Monday in each and every year, who shall continue in office until others shall be chosen in their stead.

4. Owners of pews in the respective Parish Churches of the said Parishes of Saint John and Saint Mark, being males of the age of twenty one years and upwards, and no other persons, shall be entitled to vote in the choice of, and also shall be qualified and capable to be elected and chosen Church Wardens and Vestrymen of the said Parishes respectively ; provided that no person shall be eligible as a Church Warden or a Vestryman unless he shall be a member of the Church of England, and shall have been for at least six months previous a stated hearer and attendant at the public worship of the same ; and provided also, that the ownership of a pew in the Parish Church shall not entitle more than one person to vote in respect of said pew at any election.

5. The said Rector, Church Wardens, and Vestry of Saint John's Church, in the Parish of Saint Mark, in the City of Saint John, shall within two months after the passing of this Act, make and execute under their common seal a bond or obligation to the said Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Saint John, in the City of Saint John, in the penal sum of two thousand pounds of lawful money of this Province, under and subject to a condition for payment to the said Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Saint John, their successors and assigns, of the sum of one thousand pounds on or before the first day of January which will be in the year of our Lord one thousand

eight hundred and seventy three, with lawful interest thereon, half yearly, on the first days of January and July in each and every year, until the said principal sum of one thousand pounds shall be fully paid, the first payment of such interest to be made on the first day of July next.

6. The said Rector, Church Wardens, and Vestry of Saint John's Church, in the Parish of Saint Mark, shall have full power and authority in their own name or otherwise, to ask, demand, sue for, recover, and receive, and likewise to take and use all other due and lawful means to enforce the payment of all rents for pews in the said Church or Chapel of Ease due and in arrear, and payable on the first day of January last, and shall within one year after the passing of this Act, account for and pay over to the said Rector, Church Wardens, and Vestry of Trinity Church, after deducting all expenses of collecting the same, the amount of such arrears of pew rents.

7. The power and authority granted to a Church Corporation by any law in force in this Province, and all and every the clauses, enactments, and provisions of an Act made and passed in the twenty ninth year of the Reign of King George the Third, intituled *An Act for erecting a Parish in the City of Saint John, and incorporating the Rectors, Church Wardens, and Vestries of the Church of England in the several Parishes in this Province*, and of all other Acts relating to such Corporations, and to the elections of Church Wardens and Vestrymen, now in force in the said Parish of Saint John, shall extend and be construed to extend to the said Parish of Saint Mark erected by this Act, as fully and effectually as if such power and authority were herein specially granted, or such clauses, enactments, and provisions were herein particularly enacted, except so far as such clauses, enactments, and provisions may be inconsistent with the provisions of this Act.

16th VICTORIA—CHAPTER 47.

An Act to authorize the Rector, Church Wardens, and Vestry of Saint Mark's Church, in the Parish of Saint George, in the County of Charlotte, to sell and dispose of certain Glebe Lands in said Parish, and invest the proceeds in other lands.

Section.

1. Corporation, what lands may sell.

Section.

2. Proceeds of sale, how vested.

Passed 3rd May 1853.

WHEREAS a certain tract of Land situate on the north side of LeTang Harbour, in the Parish of Saint George, in the County of Charlotte, known as Glebe Lot, containing four hundred and fifty five acres, more or less, granted by Letters Patent under the Great Seal of the Province of New Brunswick to the Rector, Church Wardens, and Vestry of Saint Mark's Church, in the Parish of Saint George, and their successors, for a Glebe: And whereas it is believed that the said tract of Glebe land could be sold at a fair price, and that the moneys arising from such sale might be invested in the purchase of other lands more conveniently situated, and more beneficial and productive for the use and benefit of the said Rector;—

Be it therefore enacted, &c.—1. The Rector, Church Wardens, and Vestry of Saint Mark's Church, in the Parish of Saint George, be and they are hereby authorized and empowered to sell, dispose of, and convey all and singular the said lot or tract of Glebe land, and make, seal, and deliver good and sufficient deeds of conveyance of the same, in fee simple, by and with the approbation of the Lord Bishop of the Diocese, or in his absence, of the Archdeacon or Ecclesiastical Commissary of the Province, signified by either of them being a party to such deeds signing the same.

2. The amount arising from such sale of Glebe land shall be invested by the said Rector, Church Wardens, and Vestry in the purchase of other freehold property more conveniently situated for the use and behoof of the Rector of the said Church for the time being, to hold the same to the said Rector, Church Wardens, and Vestry, and their successors for ever, for a Glebe for the use and behoof of the Rector of the said Church for the time being.

16th VICTORIA—CHAPTER 49.

An Act to authorize the Rector, Church Wardens, and Vestry of Saint Mary's Church, of the Parish of Richibucto, to sell certain Lands granted to the said Corporation, and vest the proceeds in other lands.

Section 1.—What lands may sell and proceeds invest.

Passed 3rd May 1853.

WHEREAS the Rector, Church Wardens, and Vestry of Saint Mary's Church, in the Parish of Richibucto, are represented to be seized and possessed of certain lands in the Parish of Richibucto, in the County of Kent, situate on the north side of Richibucto River, which are unproductive, and it is deemed desirable to sell and dispose of the same, and to vest the proceeds arising from such sale in other lands for the said Corporation ;—

Be it therefore enacted, &c.—1. The Rector, Church Wardens, and Vestry of Saint Mary's Church, in the Parish of Richibucto, by and with the approbation of the Lord Bishop of the Diocese, be and they are hereby authorized and empowered to sell and dispose of, at public auction or private sale, all their right, title, and interest to the following described piece of land, situate on the north side of Richibucto, in the County of Kent :—All that certain piece or lot of land situate on the north side of Richibucto River, in the Parish of Richibucto aforesaid, being all the lot number ten, excepting thereout one hundred acres of land sold to George Kinread under an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act to authorize the Rector, Church Wardens, and Vestry of Saint Mary's Church, in the Parish of Richibucto, to sell certain lands granted to the said Corporation, and vest the proceeds in other lands ;* and to vest the sum so received in other lands for the use and purpose of a Glebe for the Rector of said Church.

17th VICTORIA—CHAPTER 11.

An Act to carry into effect an agreement between the Bishop of Fredericton and the Rector, Church Wardens, and Vestry of Christ Church, in the Parish of Fredericton, relative to the Parish Church.

Section.

1. Bishop empowered to convey.
2. On conveyance, Saint Anne's Chapel to become Parish Church.
3. Chapel to be then called Christ Church.
4. Sitings to be free ; exception.
5. Church Wardens and Vestrymen, qualifications of, and of electors.

Section.

6. Church Corporation empowered to convey premises to the Bishop.
7. Re-entry to remove present Church.
8. On neglect, the Bishop may remove.
9. Remains of Lieutenant Governor Smyth to be cared for.
10. Certificate to be endorsed on conveyance.
11. Compensation to certain pewholders.

Passed 20th March 1854.

WHEREAS the Right Reverend John Medley, Doctor of Divinity, Bishop of the Diocese of Fredericton, is seized in fee simple to himself and his successors for ever, of a lot of land in the City of Fredericton, described as lot number three hundred and ninety three, which was conveyed to him by John Simcoe Saunders, Esquire, for the purpose of erecting and keeping erected thereon a Church or Chapel in connexion with the Established Church of England, and the said Bishop has built a Chapel on the said lot, which has been duly consecrated by the name of "Saint Anne:?" And whereas the said Bishop has offered to convey the said Chapel and the lot of land on which the same stands, to the Rector, Church Wardens, and Vestry of Christ Church, in the Parish of Fredericton, and their successors for ever, for a Parish Church, in the place of the present Parish Church, and such offer has been accepted by the said Rector, Church Wardens, and Vestry, and by the principal part of the Parishioners belonging to the said Church, upon condition that the sittings in the said Chapel should remain free and unappropriated for ever, and also upon condition, and as a consideration for such conveyance, that the said Rector, Church Wardens, and Vestry should be authorized to convey to the said Bishop and his successors for ever, the lot of land in the said City of Fredericton on which the present Parish Church is built, reserving to the said Rector, Church Wardens, and Vestry, and their successors, the right to enter upon the said land at any time within six months after the conveyance thereof, and to remove therefrom the said Church and appurtenances, and dispose of the same as they may think proper; which conditions have been agreed to by the said Bishop, and by the said John Simcoe Saunders, the donor of the land on which the said Chapel stands;—

Be it therefore enacted, &c.—1. It shall be lawful for the Bishop of Fredericton for the time being, to convey to the Rector, Church Wardens, and Vestry of Christ Church, in the Parish of Fredericton, and their successors for ever, in fee simple, the said Chapel called "Saint Anne," and the lot of land on which the same stands; and the deed of conveyance thereof, being duly acknowledged and registered, shall vest in the said Rector, Church Wardens, and Vestry, and their

successors, the absolute estate in fee simple in the said land and Chapel.

2. From and immediately after the execution of the said deed of conveyance by the said Bishop, the present Church in the City of Fredericton called "Christ Church," shall cease to be the Parish Church of Fredericton, and in place thereof the said Chapel called "Saint Anne," shall be the Parish Church of Fredericton; and the said Rector, Church Wardens, and Vestry, and their successors, shall have therein all the estate, right, and interest (except the right to sell or dispose of the seats therein) which is by law vested in Church Corporations in Parish Churches in this Province.

3. The said Chapel shall immediately after the conveyance thereof to the said Rector, Church Wardens, and Vestry, be called and known by the name of "Christ Church," any thing in the deed of consecration thereof to the contrary notwithstanding.

4. The sittings in the said Chapel shall remain free and unappropriated for ever; provided always, that a pew or seat shall be set apart in the said Church for the occupation of the Queen's Representative in this Province.

5. All persons who by law would have been entitled to vote for, or fill the office of Church Warden or Vestryman for said Parish before this Act comes into operation, shall be deemed to be qualified to vote for or fill such offices at the first election held after this Act comes into operation.

6. It shall be lawful for the said Rector, Church Wardens, and Vestry of Christ Church for the time being, to convey to the said Bishop and his successors for ever, in fee simple, the lot of land in the said City of Fredericton, granted to the said Rector, Church Wardens, and Vestry, and on which the Parish Church now stands, and such land shall be held by the said Bishop and his successors, for the like purposes and subject to the same provisions as are contained in the grant of the adjoining lands to the said Bishop, under the Great Seal of the Province, bearing date the ninth day of January in the year of our Lord one thousand eight hundred and forty six.

7. The said Rector, Church Wardens, and Vestry, and their successors, shall have power at any time within six calendar months after their conveyance thereof, to enter from time to

time upon the said lot of land so conveyed by them to the said Bishop, and to remove the present Parish Church therefrom, with the organ and all other furniture thereto belonging, and to dispose of the same as they may think proper.

8. In case the said Rector, Church Wardens, and Vestry shall not remove the said Church within the time hereinbefore limited, it shall be lawful for the Bishop for the time being to do so, and to dispose of the same as he may think proper.

9. And whereas under the provisions of an Act passed in the fifth year of the Reign of King George the Fourth, intituled *An Act to provide for the permanent interment of the remains of the late Lieutenant Governor Smyth within the walls of the Parish Church of Fredericton*, a vault has been erected under the said Church, and upon the lot of land in the sixth Section of this Act described, in which vault the remains of the said Lieutenant Governor Smyth are now deposited, and it is necessary to make such provision for the disposal of the said remains as the removal of the said Church may require;—No conveyance to be made to the said Bishop, and his successors, of the said land and premises described in the sixth Section of this Act, shall be valid or effectual at law or in equity, to pass any estate to the said Bishop or his successors, until the remains of the late Lieutenant Governor Smyth have been suitably disposed of, either by interring such remains under any other Church or Chapel, or by inclosing and securing the said vault where it now stands, and erecting thereon a monument to the deceased.

10. When such provision has been made for the disposal of the said remains as shall be satisfactory to the Lieutenant Governor in Council, a certificate shall be endorsed on such conveyance, under the hand of the Lieutenant Governor, that the requirements of the ninth Section of this Act have been complied with; which certificate shall be registered with such conveyance.

11. The owners of pews in the said Church who shall not have agreed with the Bishop of the Diocese, or with the said Rector, Church Wardens, and Vestry, to surrender their rights and interest in such pews, and who shall have paid all arrears of rent due on their said pews to the said Rector, Church Wardens, and Vestry, shall (if they require the same) receive

such compensation therefor as may be agreed upon between such owners respectively and the said Rector, Church Wardens, and Vestry, and in case they cannot agree, then the amount of such compensation shall be determined by arbitrators, one to be chosen by each party, with power to the said arbitrators to choose a third, in case of disagreement as to the amount of compensation.

17th VICTORIA—CHAPTER 46.

An Act to authorize the Rector, Church Wardens, and Vestry of Saint John Church, in the Parish of Burton, in the County of Sunbury, to sell and dispose of certain Glebe Lands in the Parishes of Burton and Blissville, in the said County, and to invest the proceeds arising therefrom in other lands.

Section

1. Glebe lands, how to be disposed of.

Section.

2. Proceeds, how to be invested.

Passed 1st May 1854.

WHEREAS two certain tracts of Land situate in the Parishes of Burton and Blissville, in the County of Sunbury, known as Glebe Lots, containing eight hundred acres, more or less, granted by Letters Patent under the Great Seal of the Province of New Brunswick to the Rector, Church Wardens, and Vestry of Saint John Church, in the Parish of Burton, and their successors, for a Glebe : And whereas it is believed that the said tract of land could be sold at a fair price, and that the moneys arising from such sale might be invested in the purchase of other lands more conveniently situated, and by reason thereof be made more beneficial and productive for the use and benefit of the Rector of the said Parish ;—

Be it therefore enacted, &c.—1. The Rector, Church Wardens, and Vestry of Saint John Church, in the Parish of Burton, be and they are hereby authorized and empowered to sell, dispose of, and convey all and singular the said lots or tracts of Glebe land, and make, seal, and deliver good and sufficient deeds of conveyance of the same in fee simple, by and with the approbation of the Lord Bishop of the Diocese, or in his absence, of the Archdeacon or Ecclesiastical Commissary of the Province, signified by either of them being a party to such deed, and signing the same.

2. The amount arising from such sale or Glebe lands, shall be invested by the said Rector, Church Wardens, and Vestry, in the purchase of other freehold property more conveniently situated for the use and behoof of the Rector of the said Church for the time being, to hold the same to the said Rector, Church Wardens, and Vestry, and their successors, for ever, for a Glebe for the use and behoof of the Rector of the said Church for the time being.

17th VICTORIA—CHAPTER 50.

An Act to authorize the Rector, Church Wardens, and Vestry of Christ Church, in the Parish of Fredericton, to sell certain Lands, and to reinvest the proceeds thereof.

Section.

Section.

1. Power of Corporation to sell leased lands. 2. Appropriation of proceeds.

Passed 1st May 1854.

WHEREAS the Rector, Church Wardens, and Vestry of Christ Church, in the Parish of Fredericton, are seized and possessed of certain lands situate in the City of Fredericton, under and by virtue of a Grant from the Crown bearing date the first day of December in the year of our Lord one thousand eight hundred and ten, and described therein as blocks number one, two, and three : And whereas it is desirable that the said Rector, Church Wardens, and Vestry should have power to dispose of the said lands ;—

Be it therefore enacted, &c.—1. When and so often as the Rector, Church Wardens, and Vestry of Christ Church, in the Parish of Fredericton, shall agree with the lessee or lessees, assignee or assignees, of any lot or lots of land within any or either of the blocks number one, two, or three, granted to the said Rector, Church Wardens, and Vestry, for the use and support of the Church in the said Parish of Fredericton, for the sale and disposal of the right and interest of the said Rector, Church Wardens, and Vestry therein, it shall and may be lawful to and for the said Rector, Church Wardens, and Vestry of Christ Church, in the Parish of Fredericton, and they are hereby authorized to sell to such lessee or lessees, assignee or assignees, all the right and interest of them the said Rector,

Church Wardens, and Vestry, in and to the said lot or lots of land, and thereupon to make and execute a good, legal, and sufficient conveyance of the same in fee, any former law to the contrary notwithstanding.

2. The moneys arising from the sale and disposal of the said lands shall from time to time be applied and invested by the said Rector, Church Wardens, and Vestry, in the purchase of other property to them and their successors, or else be invested in mortgages upon real estate, for the use and support of the Church in the said Parish of Fredericton; provided nevertheless, that no such Church Warden or Vestryman having an interest in any of the said lands as lessee or otherwise, shall be qualified to act in that capacity in any matter connected with the sale or disposal of such lands.

16th VICTORIA—CHAPTER 4.

An Act to incorporate the Diocesan Church Society of New Brunswick.

Section.

1. Incorporation of Society.
2. Constitution of Society.

Section.

3. Property of Society, how vested.
4. When Act to take effect.

Passed 14th April 1853.

WHEREAS it has been represented to the Legislature of this Province, that certain persons hereinafter named, and divers others inhabitants of New Brunswick, members of the Church of England, have associated themselves together as a Society under the following Constitution, Bye Laws, Rules, and Regulations, that is to say :—

1st. The Society shall be called the Diocesan Church Society of New Brunswick : 2nd. No constitution, bye law, rule, or regulation of the Society, or any abrogation, repeal, change, or alteration of the same, shall be of any force until it shall have been sanctioned and confirmed by the Bishop of and administering the Diocese for the time being, by writing under his hand : 3rd. The payment at any one time of a sum not less than ten pounds, shall constitute a life member ; and the payment annually of any sum however small, shall constitute the person paying the same a member of the Society : 4th. The Society shall have a President, who shall be the Lord Bishop of the Diocese ; two or more Vice Presidents, of whom

the Archdeacon shall be the first; one or more Treasurers; one or more Secretaries; two Auditors of Accounts; and an Executive Committee of twenty four lay members of the Society, being life members thereof, or subscribers of at least one pound to the funds of the Society, who, with the exception of the President and Vice Presidents, shall be annually elected at the anniversary meeting: 5th. The officers of the Society and the Clergy of the Diocese, shall be *ex officio* members of the Committee; five to be a quorum, and three of the five laymen: 6th. The Society shall embrace the following objects, and none other, viz:—

1. Missionary visits to places where there is no settled Clergyman; and aid to new and poor Missions;
 2. The establishment of Divinity Scholarships at King's College, Fredericton; and assistance where necessary to those who may be under preparation for the Ministry, especially sons of Clergymen;
 3. Aid to Sunday and other Schools in which Church principles are taught; and the training and encouraging of Schoolmasters and Catechists;
 4. The supply of books and tracts in strict conformity with the principles of the Established Church of England;
 5. Aid to the building and enlarging of Churches and Chapels;
 6. Aid to the building of Parsonage Houses;
 7. The creation of a fund towards the augmentation of the stipends of Clergymen who are poor; and towards the education of the children of such Clergymen; and towards the making a provision for those who may be incapacitated by age or infirmity;
 8. The creation of a fund for the Widows and Orphans of the Clergy;
- 7th. The Society will employ no Clergyman on Missionary services without the Bishop's licence and appointment, and will submit its choice of Divinity Scholarships to His Lordship's approbation: 8th. The Society will circulate no books which are not in the Catalogue of the Society for Promoting Christian Knowledge, except such as the Bishop shall approve: 9th. It shall be competent to any member of the Society to limit his subscription to any one or more of the objects above recited, which he may be most anxious to promote: 10th. The members

of the Society in each Mission or in each Parish of each Mission, at the discretion of the Missionary, shall constitute a local Committee: 11th. It shall be competent to each Committee to recommend any of the above recited objects to the special consideration of the General Committee, in the appropriation of the funds of the Society: 12th. The Society shall hold its Anniversary Meeting at Fredericton and Saint John alternately; at the latter place on the Thursday after the third Tuesday in January, and at the former place on the Thursday after the second Tuesday in February, in each year: 13th. The Committee of each Parish or Mission shall hold an annual meeting on some convenient day previous to the anniversary meeting, when the recommendation to the General Committee of special objects shall be determined on: 14th. Each local Committee shall be empowered to depute two lay members of the Society to be elected at the annual meeting of the Committee, to assist the Missionary in submitting the recommendations of the Committee to the consideration of the General Committee: 15th. For this purpose the Missionaries and lay Deputies shall meet in General Committee on the two days or more if need be, previous to the anniversary meeting, to make the annual appropriation of the funds of the Society: 16th. The Executive Committee shall meet either at Fredericton or Saint John on the first Wednesday in January, on the day after the annual meeting, on the first Wednesday in March, on the first Wednesday in June, and on the Wednesday after the first Tuesday in October: 17th. The Clergy are requested to preach annually two Sermons in their respective Churches, with a collection on each occasion for the general purposes of the Society: 18th. No article of the constitution of this Society shall be rescinded, altered, or amended, except with the concurrence of two thirds of the members present at a general meeting; and notice of any motion shall be given at the general meeting previous to the one at which said motion is to be made:

And whereas the said persons have contributed, or engaged to contribute considerable sums of money for the objects therein recited: And whereas it is considered necessary for the safety of the property of the Society, and would tend greatly to facilitate and promote the purposes of the said Society, that it should be incorporated;—

Be it therefore enacted, &c.—1. The Right Reverend the Lord Bishop of Fredericton, the Venerable and Reverend George Coster, the Honorable Neville Parker, the Honorable Robert Parker, the Honorable George Frederick Street, the Honorable William Black, the Honorable William Crane, the Honorable John R. Partelow, the Honorable John Ambrose Street, the Honorable Robert Duncan Wilmot, the Honorable Edward B. Chandler, the Honorable Robert L. Hazen, the Honorable William F. W. Owen, the Honorable John S. Saunders, the Honorable A. Edwin Botsford, the Honorable Thomas H. Peters, the Honorable Charles Simonds, and Frederick A. Wiggins, Esquire, and such other persons as are now members of the said Society, according to the constitution, bye laws, rules, and regulations thereof, and such other persons as shall from time to time hereafter become members of the Society, shall be and are hereby declared to be a body corporate and politic in name and in deed, by the name of “The Diocesan Church Society of New Brunswick,” and by the said name the said Society shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province.

2. The constitution, bye laws, rules, and regulations hereinbefore recited, shall and the same are hereby declared to be the constitution, bye laws, rules, and regulations of the said Corporation, and shall and may from time to time, as occasion may require, be rescinded, abrogated, repealed, altered, extended, or amended in the manner therein and thereby directed, provided the same be not repugnant to the laws and statutes of the Province.

3. The property, both real and personal, moneys, funds, securities, and assets of every description of the said Society, whether in possession, remainder, reversion, or expectancy, shall from and after the passing of this Act be and the same are hereby declared to be absolutely vested in the said Corporation by the name aforesaid, for the like objects and purposes, and no other, for which the same were held by the said Society, and by the said Corporation shall be appropriated and applied in like manner as the same were required to be appropriated and applied by the said Society; and shall and may from time to time be sued for and recovered by all lawful ways

and means to and for the uses aforesaid; and all the liabilities of the said Society, both in law and equity, shall in like manner, from and after the passing of this Act, devolve upon the said Corporation by the name aforesaid, to the same extent as the said Society would have been held liable for had this Act not been passed.

4. This Act shall not take effect unless and until it is accepted by a majority of members present at any meeting of the Society to be called for that purpose at Fredericton, by the Lord Bishop of the Diocese, after two months notice to be given by advertisement in the Royal Gazette, and unless it receive the sanction of the Lord Bishop, to be given at or before such meeting.

1st WILLIAM 4th—CHAPTER 11.

An Act to incorporate the Minister and Elders of the Kirk of Scotland in the Town of Newcastle, and for the purposes therein mentioned.

Section.

1. What land vested in Minister, &c.

Section.

2. What persons incorporated.

Passed 25th March 1831.

WHEREAS sundry inhabitants of the Town of Newcastle and its vicinity, in the County of Northumberland, being of the Protestant profession of worship approved of by the General Assembly of the Church of Scotland, have by voluntary contributions erected a large and handsome building for a place of worship, which it is intended shall be in connexion with the said Church of Scotland: And whereas the title to the parcel of land on which the said Church has been erected, being part of the lot number two, and bounded as follows, that is to say,—Beginning at the north side of the highway running through Newcastle aforesaid, one rod distant from the western boundary of the County lot or grant number three; thence running twenty three rods and one half of a rod along the said western boundary of the said lot number three, one rod distant from the said boundary; thence at a right angle westerly nine rods; thence

at a right angle southerly twenty six rods and one half of a rod, or until it meets the said highway ; thence along the said highway easterly until it meets the first mentioned boundary, containing in the whole one acre and one half of an acre, is now in sundry inhabitants of the said Town of Newcastle and its vicinity, in trust and for the use of the persons of the profession aforesaid : And whereas the said persons are desirous that the said title to the said parcel of land should be transferred to and vested in the Minister and Elders of the said Church ; which said Minister and Elders have been duly appointed and chosen according to the usages of the said Church of Scotland, and the said Minister has been duly licenced to officiate in the said Church ;—

Be it therefore enacted, &c.—1. The Minister and Elders of the said Church, commonly called and known by the name of “The Kirk of Scotland,” shall be deemed and taken to be in all Courts of law and equity the proprietors of the said parcel of land, instead of the said persons now having title thereto as aforesaid, and the said title to the said parcel of land shall henceforward be transferred to and vested in the said Ministers and Elders, and their successors, for ever, being so elected and appointed, and approved and licenced as aforesaid, to have, hold, use, and enjoy the same for the use and intent aforesaid ; saving nevertheless, the right of His Majesty, His Heirs and Successors, and of all bodies politic and corporate, and of all other persons, to the said parcel of land, except the said persons in whom the title is vested as aforesaid, for the use aforesaid.

2. The said Minister and Elders shall be and they are hereby incorporated by the name of “The Minister and Elders of the Kirk of Scotland, in the Town of Newcastle,” and shall by that name have perpetual succession, and be enabled to sue and be sued, implead and be impleaded, answer and be answered unto, and to receive, take, and hold gifts and grants of land and real estate the annual income of which shall not exceed the sum of five hundred pounds, and also to accept of and receive donations for the endowment of the same.

2nd WILLIAM 4th—CHAPTER 18.

An Act to repeal all the laws now in force relating to Saint Andrew's Church, in the City of Saint John, and for incorporating certain persons pewholders of the said Church and of the several Churches erected or to be erected in this Province in connexion with the Church of Scotland.

Section.

1. Repeal of Acts.
2. Trustees, how incorporated.
3. What lands vested in Trustees.
- 4 & 5. Repealed.
6. Minister, how chosen.

Section.

7. Minister, &c., how to hold offices, &c.
8. Trustees, for what engagements liable.
9. Trustees of other Churches, how may be incorporated.

Passed 9th March 1832.

WHEREAS according to the forms and usages of the Church of Scotland as by law established, the spiritual and temporal affairs of the said Church are kept separate and distinct: And whereas the present Acts of Incorporation vesting the temporal affairs of Saint Andrew's Church, in the City of Saint John, in connexion with the Church of Scotland, in the Minister and Elders of the said Church, is at variance with the forms and usages of the said Church of Scotland: And whereas it appears to be the desire of the Members of the said Church in Saint John, and of a large majority of the Churches now established in this Province in connexion with the said Church of Scotland, to be incorporated in strict conformity with the forms and usages aforesaid, and to enable them to manage their temporal affairs in accordance therewith;—

Be it therefore enacted, &c.—1. An Act made and passed in the fifty sixth year of the Reign of His late Majesty King George the Third, intituled *An Act to enable the Minister and Elders for the time being of the Church in communion with the Kirk of Scotland lately erected in the City of Saint John, to hold the same to them and their successors for ever, and for other purposes therein mentioned*; and an Act passed in the fifty eighth year of the same Reign, intituled *An Act to extend the powers of the Minister and Elders of the Kirk of Scotland in the City of Saint John*, be and the same are hereby repealed.

2. The present committee of management in the said Church, consisting of twelve members, namely, Thomas Walker, Robert Rankin, John Wishart, John Robertson, James Kirk, Robert Keltie, James Burns, Henry Hood, William Parks,

William Walker, James Robertson, and Daniel Leavitt, elected on the fifteenth day of August last, together with the Elders of the said Church, namely, John Paul, Robert Robertson, Thomas Nisbet, William Hutchinson, Angus M'Kenzie, and John Gillies, be and they are hereby declared to be Trustees for the said Church until the election and appointment of twelve other Trustees as hereinafter mentioned ; and the above named Trustees and their successors, (the said twelve Trustees to be chosen and appointed in manner as hereinafter directed, and their successors) for ever, shall be a body politic and corporate in deed and name, and shall have succession for ever by the name of " The Trustees of Saint Andrew's Church, in the City of Saint John," and by that name shall be enabled to sue and be sued, implead and be impleaded, answer and be answered unto in all Courts and places whatsoever within this Province ; and shall have full power and capacity to purchase, receive, take, hold, and enjoy, for the use and benefit of the said Church, as well goods and chattels, as lands, tenements, and hereditaments, and improve and use the same for the benefit of the said Church according to their best discretion, and the true intent and meaning of the donors when the same shall be given, devised, or bequeathed to the use and benefit of the said Church, any law, usage, or custom to the contrary notwithstanding ; provided always, that the amount of annual rents, profits, and receipts of such lands, tenements, goods, chattels, and hereditaments, shall not exceed the sum of five hundred pounds.

3. The several lots of land forming a block on which the said Church is built, situate in Queen's Ward of the said City, and fronting on Germain Street, together with a lot of land situate in the Parish of Portland, whether the same are now legally vested in the present Corporation of the said Church by the title of " The Minister and Elders of the Church of Scotland, in the City of Saint John," or are still standing out in the original Trustees to whom they were conveyed for the use and benefit of the said Church, according to their full metes and boundaries, together with the said Church thereon erected, shall be and remain fully and absolutely vested in the said Trustees of Saint Andrew's Church, in the City of Saint John, and their successors, for ever, as a good and absolute estate in

fee simple, for the use, trust, and benefit aforesaid, and shall be so deemed and taken in all Courts of law and equity in this Province, any law, usage, or custom to the contrary thereof in any wise notwithstanding; saving to all purchasers, tenants, or occupiers of the pews in the said Church, or to all tenants or occupiers of the said lots of land or any part thereof, their present legal rights therein and thereto.

4. Repealed by 14 V. c. 9, s. 1.

5. Repealed by 3 W. 4, c. 15.

6. In case of a vacancy, or the expiration of any agreement made or to be made with any Minister for the said Church, the call or nomination of any candidate or candidates for the pastoral charge of the said Church shall be in the Trustees and Elders if such candidate or candidates shall be in British America, and the choice among such candidate or candidates, or choice of rejection of such candidate, shall lie in the congregation, being pewholders or communicants, and including the said Elders and Trustees, or a majority of them; and if it shall be found necessary to call a Minister from any part of Great Britain, the arrangements for that purpose shall be solely vested in the said Trustees and Elders of the said Church; provided always, that in either case the Minister to be called shall be a duly ordained or licenced Preacher by a Presbytery in connexion with the Established Church of Scotland.

7. The Minister, Elders, and Deacons, and other officers of the said Church, shall be elected, chosen, and appointed, and have, hold, exercise, and enjoy their respective offices, according to the usages of the said Church of Scotland, except so far as the same may be altered or abridged by this Act.

8. The said Trustees of Saint Andrew's Church hereby incorporated, shall be held both in law and at equity bound for any engagement made by any former Trustees, or other persons belonging to the said Church, for the Minister's stipend and expenses of his coming to this country, and the same shall be paid by the said Corporation so as to relieve the said Trustees or other persons of the burthen of such engagement; and if the amount thereof shall happen to exceed the yearly income of the said Church, the same shall be a burthen on the said Church and Corporation as such, and shall not make the said Trustees responsible in their individual and private capacity.

9. The Trustees of the several and respective Churches already erected within this Province, and also of all Churches which may hereafter be erected in connexion with the Established Church of Scotland shall, when elected, chosen, and appointed in manner and form as directed in and by this Act, be bodies politic and corporate in deed and name, and shall have succession for ever, by the name of the Trustees of the several and respective Churches to which they respectively belong; and this Act, and every clause, direction, authority, and power in the same contained, shall extend and be in force for all such Churches, in the same manner as if the said clauses, directions, and authorities were particularly re-enacted and applied to such Churches respectively, [the words here omitted are repealed by 5 W. 4, c. 6.] and all lands, tenements, and hereditaments conveyed or to be conveyed to and for the use and benefit of the said Churches, shall be vested in the said several respective Corporations, as fully and absolutely to all intents and purposes as the lands and Church mentioned in the third Section of this Act are hereby vested in the said Trustees of Saint Andrew's Church, in the City of Saint John.

3rd WILLIAM 4th—CHAPTER 15.

An Act to amend the Act relating to the several Churches in this Province in connexion with the Church of Scotland.

Section.

1. Repeal of what Section.

Section.

2. Powers of Trustees to sell, &c. pews, &c.

Passed 19th March 1833.

WHEREAS the fifth Section of an Act passed in the second year of the Reign of His present Majesty King William the Fourth, intituled *An Act to repeal all the laws now in force relating to Saint Andrew's Church, in the City of Saint John, and for incorporating certain persons pewholders of the said Church and of the several Churches erected or to be erected in this Province in connexion with the Church of Scotland*, is found to be defective and in need of amendment;—

Be it enacted, &c.—I. The said fifth Section of the said recited Act be and the same is hereby repealed.

2. The said Trustees of Saint Andrew's Church, and of the several and respective Churches already erected, and also of all other Churches which may hereafter be erected within this Province, in connexion with the Church of Scotland, chosen and appointed in manner and form provided by the said Act, or the major part of them, assembled upon due notice publicly given, shall have full power and authority to sell, let, or hire the pews of the said Churches respectively, and let or hire for a term not exceeding twenty one years the lands, tenements, and hereditaments mentioned in the said recited Act, or any other lands, tenements, or hereditaments which shall or may come into their possession for the use and benefit of the said Churches respectively, and to take and use all such other lawful ways and means as they in their discretion shall think best adapted for the benefit and advantage of the said Churches respectively; provided always, that nothing herein contained shall be construed to permit the said Trustees of the said Churches respectively to sell or dispose of the said lands, tenements, and hereditaments, or any part thereof, absolutely, or for any greater estate than the term of twenty one years as aforesaid.

5th WILLIAM 4th—CHAPTER 6.

An Act to amend an Act to repeal all the laws now in force relating to Saint Andrew's Church, in the City of Saint John, and for incorporating sundry persons pew-holders of the said Church and of the several Churches erected or to be erected in the Province in connexion with the Church of Scotland.

Section. 1.—Repeal of part of Section,

Passed 24th June 1835.

WHEREAS it is considered expedient to amend the ninth Section of an Act made and passed in the second year of the Reign of His present Majesty, intituled *An Act to repeal all the laws now in force relating to Saint Andrew's Church, in the City of Saint John, and for incorporating certain persons pew-holders of the said Church and of the several Churches erected or to be erected in the Province in connexion with the Church of Scotland*, by repealing such part thereof as excepts the

operation of the eighth Section of the same Act as therein expressed;—

Be it therefore enacted, &c.—Such exception contained in said ninth Section in the words following, that is to say, “save and except only the eighth Section of this Act,” be and the same is hereby repealed, and that such eighth Section do extend and be construed in all respects as if the said exception were not therein inserted.

7th VICTORIA—CHAPTER 21.

An Act to authorize the Trustees of Saint John Church, in Richmond, to sell lands, and to apply the proceeds thereof for certain purposes.

Section.

1. Trustees authorized to sell, what lands.

Section.

2. Proceeds, how invested.

Passed 25th March 1844.

WHEREAS by Letters Patent under the Great Seal of the Province, bearing date the nineteenth day of October in the year of our Lord one thousand eight hundred and forty, the following pieces and parcels of land were granted unto the Trustees of Saint John Church, Richmond, in connexion with the Established Church of Scotland, and their successors, for the use of the said Church, viz :—Two tracts of land situate in the Parish of Woodstock, in the County of Carleton, in the Province of New Brunswick, and bounded as follows, to-wit :—The first tract beginning on the eastern side of a reserved road, and in the southwest angle of the west part of lot number twenty three, granted to Charles M'Dougal, in the fifth tier of Andrew Blair's survey of lots in Richmond Settlement, west of the River Saint John, made in the year one thousand eight hundred and twenty seven ; thence running by the magnet east fifty five chains of four poles each ; thence south twenty chains ; thence west fifty six chains, to the western side of another reserved road ; thence west fifty five chains ; thence north sixty chains ; and thence east fifty six chains, to the place of beginning, containing four hundred acres, more or less, as the west part of lot number twenty four, in the fifth tier, and the east parts of lots seventeen, eighteen, and nineteen, on the west side of the said reserved road first above mentioned, and at the

southeast angle of the east part of lot number thirteen, granted to Alexander M'Dougal, in the sixth tier of the Richmond settlement; thence west running fifty five chains; thence south twenty chains; thence east fifty five chains; and thence north twenty chains, to the place of beginning, containing one hundred acres, more or less, distinguished as the east part of lot number fourteen, in the sixth tier of the aforesaid survey; the two tracts together containing five hundred acres, more or less: And whereas it is expedient and necessary, and will be for the benefit of the said Church, to authorize the Trustees thereof to sell and dispose of the said lands for the best price that can be obtained therefor, and to apply the proceeds of such sale either in the purchase of other lands or the erection of a Parsonage House for the use and benefit of such Church;—

Be it therefore enacted, &c.—1. The said Trustees of Saint John Church, Richmond, in connexion with the Established Church of Scotland, be and they are hereby authorized and empowered to sell and dispose, and by a good and sufficient deed to convey and assure to the purchaser or purchasers thereof, his or their heirs and assigns, the said hereinbefore described tracts of land to the said purchaser or purchasers, his or their heirs and assigns, for ever, saving nevertheless, the rights of the Queen's Majesty, Her Heirs and Successors.

2. The money arising from the sale and disposal of the said land shall be applied towards the erection of a Parsonage House, or in the purchase of other lands for the use and benefit of the said Church; provided that such Parsonage House be erected on lands vested in said Corporation.

10th VICTORIA—CHAPTER 70.

An Act to authorize the Trustees of Saint Stephen's Church, in the City of Saint John, to sell and dispose of certain lands in the said City, and to reinvest the proceeds thereof.

Section.

1. What lands Trustees may sell.
2. Trustees empowered to pay off mortgage.
3. Commissioners to be appointed, by whom; to invest proceeds.

Section.

4. Pewholders, who may be paid.
5. New Church, to be in what connexion.
6. Interior fittings reserved.

Passed 14th April 1847.

WHEREAS the Trustees of Saint Stephen's Church, in the

City of Saint John, are now seized and possessed of certain lands situate and being in the City aforesaid, bounded and described as follows:—Situate, lying, and being in King's Ward, in the City of Saint John, known as lots numbers three hundred and eighteen and three hundred and nineteen, each of the said lots being forty feet wide, and having a front of that width on the northern side of King's Square, and running back northerly one hundred feet, together with a Church and other buildings erected thereon: And whereas it would tend much to the advantage of the said Trustees and of the Pewholders of the said Church, if the said several lots of land were sold and disposed of, and the proceeds thereof applied towards the payment of the debts due by the said Trustees of Saint Stephen's Church, in the City of Saint John, and the surplus invested in the purchase of some suitable place for public worship, in connexion with the Established Church of Scotland;—

Be it therefore enacted, &c.—1. The Trustees of Saint Stephen's Church, in the City of Saint John, be and they are hereby authorized and empowered to make sale and dispose of the said lots of land and premises, with the appurtenances, in such lots as the said Trustees may determine, at public auction, giving one calendar month's notice in two or more Newspapers published in the City of Saint John, of the day, hour, and place of such sale, for such price or prices as they may be able to get therefor, and thereupon to make and execute good, legal, and sufficient conveyances of the same in fee simple, by and under their corporate seal; and the purchaser or purchasers thereof shall hold the same for such estate, and in such manner as shall be expressed in such conveyances, free and discharged from the trusts under which the same are now held by the said Trustees of Saint Stephen's Church, in the City of Saint John, as incident to their said office, and to the use of the said building as a place of public worship, and the purchaser or purchasers under such conveyances shall not be bound to see to the application of the purchase money therefor.

2. The money arising from the sale and disposal of the said lots of land and premises, with the appurtenances, shall be paid and applied by the said Trustees of Saint Stephen's Church, in the City of Saint John, in the first place towards the payment and satisfaction of the principal and interest of a certain

mortgage of the said premises made by the Honorable John Robertson, for securing the payment to the Honorable Hugh Johnston of the sum of six hundred pounds, with interest, and in the next place towards the payment and satisfaction of the other debts of the said Trustees of Saint Stephen's Church, in the City of Saint John, and the residue shall be deposited by the said Trustees in some one of the Banks in the City of Saint John, on interest, to be applied in manner hereinafter mentioned.

3. So soon as the said lots of land, with the Church and other buildings thereon situate are disposed of, it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, on the application of the said Trustees, to appoint five Commissioners from among the proprietors of pews in the said Church at the time of such sale, and from time to time in case of death, removal from the City of Saint John, or refusal to act, to appoint another or others in the room and place of the Commissioner or Commissioners so dying, removing, or refusing to act, for the purpose of selecting and purchasing a site for a new Church, to be built by them from the surplus funds arising from the sale of the said lots of land and buildings hereinbefore described, which funds shall be deposited in a Bank as aforesaid, and be drawn by them as required for the purpose; and the said Church, when completed, shall be in connexion with the Church of Scotland as by law established; and the said Commissioners shall be and are hereby authorized to set apart pews in the said Church to the several persons who shall be proprietors of pews in the said Saint Stephen's Church at the time of its sale, and who shall have paid up all arrears of rents and purchase money of such pews before the time of sale, to correspond as near as may be with the position and extent of such pews respectively, as in the judgment of the said Commissioners may be just and equitable, such pews to be held on the same terms and conditions as the pews formerly held by them respectively in the said Saint Stephen's Church; and it shall be the duty of the said Commissioners, or the major part of them, and they are hereby required to proceed with all reasonable diligence in the execution of the duties devolved upon them by their appointment under this Act.

4. In case any pewholder or pewholders in the said Saint Stephen's Church shall object to the sale of the said lots of land and buildings, such objection being made in writing at the time of sale, it shall and may be lawful for the Trustees for the time being to pay to such pewholder or pewholders such sum of money as he or they shall make it satisfactorily appear that he or they paid for the pew or pews of which he or they may be proprietors, after deducting any arrears of rent or purchase money due on such pew or pews to the said Trustees, and upon such payment the said pewholder or pewholders so objecting as aforesaid, shall cease to have any interest therein.

5. So soon as the said building is erected and completed, and pews set apart in manner aforesaid, the said Church shall be and is hereby construed to be a Church erected in connexion with the Established Church of Scotland, with all the powers, rights, and privileges, and subject to all the provisions of the ninth Section of an Act made and passed in the second year of the Reign of His Majesty King William the Fourth, intituled *An Act to repeal all the laws now in force relating to Saint Andrew's Church, in the City of Saint John, and for incorporating certain persons pewholders of the said Church and of the several Churches erected or to be erected in this Province in connexion with the Church of Scotland*, and all the other provisions of the said Act.

6. The said Trustees of Saint Stephen's Church, in the City of Saint John, shall be at liberty in making sale of the said Church and lots of land, to reserve so much of the interior fittings of the said Church as they may deem serviceable for the purpose of finishing the said Church so to be erected; and the interior fittings so reserved shall be applied for such purpose or sold at the discretion of the said Commissioners.

12th VICTORIA—CHAPTER 24.

An Act to authorize the Trustees of Saint Luke's Church, in Bathurst, to dispose of certain Lands.

Section.

1. Trustees authorized to sell land.
2. Proceeds, how applied.

Section.

3. Private rights reserved.

Passed 27th March 1849.

WHEREAS a certain lot of Land and premises, situate in the

Parish of Bathurst, in the County of Gloucester, was purchased by the Trustees of Saint Luke's Church, Bathurst, in connexion with the Church of Scotland, from one Bartholomew Ahern, by deed bearing date the thirteenth day of June in the year of our Lord one thousand eight hundred and forty five, as a Manse and Glebe for the use, benefit, and behoof of Saint Luke's Church aforesaid, described as follows, that is to say,—All that certain piece of land and premises situated in the Parish of Bathurst, County of Gloucester, being that part of the southern half of lot number twenty eight that lies between the Tettagouche River and the road leading from the Town of Bathurst to Somerset Vale, containing twelve acres, more or less, together with the houses and all other improvements;—

Be it therefore enacted, &c.—1. The said Trustees be and they are hereby authorized and empowered to make sale and dispose of the said lot of land and premises, with the appurtenances, to the highest bidder at public auction, thirty days notice of the time and place of such sale being given in three or more public places in writing, by posting up the same within the said Parish, and thereupon to make and execute a good, legal, and sufficient conveyance of the same in fee simple, any former law to the contrary notwithstanding.

2. The money arising from the sale and disposal of the said premises shall be paid and applied by the said Trustees towards the purchase of other lands, for the use of the said Church.

3. Nothing herein contained shall extend or be construed to extend to affect private rights.

13th VICTORIA—CHAPTER 8.

An Act to amend the Act relating to the sale of certain Lands by the Trustees of Saint Stephen's Church, in the City of Saint John.

Section.

1. Commissioners for sale, &c. of land, how appointed.

Section.

2. Power as to granted lands.

Passed 26th April 1850.

Be it enacted, &c.—1. The five Commissioners authorized to be appointed under and by virtue of an Act made and passed in the tenth year of the Reign of Her present Majesty, intituled

An Act to authorize the Trustees of Saint Stephen's Church, in the City of Saint John, to sell and dispose of certain lands in the said City, and to reinvest the proceeds thereof, shall be appointed from among the proprietors of pews in the said Church at the time of the sale thereof, or their assignees, and shall be members of a Church in said City in connexion with the Established Church of Scotland, residing or having their places of business in the said City.

2. The Commissioners appointed under the preceding Section of this Act shall have full power and authority to manage certain lands granted to the Trustees of said Saint Stephen's Church, in terms of the grant thereof, in as full and ample a manner as the said Trustees of Saint Stephen's Church could or might have done.

13th VICTORIA—CHAPTER 18.

An Act to authorize the Trustees of the Church of Scotland in the Town of Saint Andrews, to sell certain Lands, and vest the proceeds in other lands.

Section.

1. Trustees authorized to sell land, &c.
2. Proceeds, how invested.

Section.

3. Validity of deed.

Passed 26th April 1850.

WHEREAS under the authority of the Act of Assembly made and passed in the second year of the Reign of His late Majesty King William the Fourth, intituled *An Act to repeal all the laws now in force relating to Saint Andrews Church, in the City of Saint John, and for incorporating certain persons pewholders of the said Church and of the several Churches erected or to be erected in this Province in connexion with the Church of Scotland*, the Trustees of Greenock Church, in the Parish of Saint Andrews, in the County of Charlotte, in connexion with the Established Church of Scotland, became incorporated, and assumed the name of "The Trustees of the Church of Scotland in the Town of Saint Andrews:" And whereas previous to the passing of the said Act of Assembly they the said Trustees had, under the style of "The Trustees of Greenock Church, in the Parish of Saint Andrews, in connexion with the Established Church of Scotland," applied for a grant of the land hereinafter described, and their application was

complied with, and a grant under the Great Seal was duly issued in the name of "The Trustees of Greenock Church, in the Parish of Saint Andrews, in connexion with the Established Church of Scotland," notwithstanding the assumption in the interim by the said Trustees of their present corporate name : And whereas the said Trustees of the Church of Scotland in the Town of Saint Andrews, are desirous of selling the lands granted as aforesaid, and to invest the proceeds in other lands;—

Be it enacted, &c.—1. The said Trustees of the Church of Scotland in the Town of Saint Andrews, be and they are hereby authorized to sell and dispose of at public auction or private sale, the two tracts of land granted to the Trustees of Greenock Church, in the Parish of Saint Andrews, in connexion with the Established Church of Scotland, situate in the Parish of Saint James, in the said County of Charlotte, and bounded as follows, to-wit :—The first tract beginning on the eastern bank or shore of Canoose River, and distant on a course by the magnet south thirty five degrees west, nineteen chains of four poles each, from the Dam erected on the said river at the head of Scot's Rapids; thence east forty four chains and seventy five links, to a marked spruce; thence north sixty three chains and seventy five links to the southeastern bank or shore of Canoose River aforesaid; and thence following the various courses of the same westerly and southerly down stream to the place of beginning; containing two hundred and fifty acres more or less, distinguished as lot A, and being for the use of the Minister of the said Church: The second tract beginning on the northwestern bank or shore of Canoose River aforesaid, at its intersection with the northerly prolongation of the easterly boundary line as described in the first tract; thence north six chains to a black ash stake; thence west seventy chains and seventy five links to a marked beech; thence south sixty six chains to the northwestern bank or shore of Canoose River aforesaid; and thence following the various courses of the same easterly, northerly, and easterly, up stream to the place of beginning; containing two hundred and fifty acres more or less, distinguished as lot B, and being for the use of the said Church.

2. The said Trustees of the Church of Scotland in the Town

of Saint Andrews, shall invest the proceeds of the first hereinbefore described tract of land in other lands for the use of the Minister of the said Church, of which they are Trustees, being Greenock Church aforesaid; and the said Trustees of the Church of Scotland in the Town of Saint Andrews, shall invest the proceeds of the secondly hereinbefore described tract of land in other lands for the use of the said Church of which they are Trustees, being Greenock Church as aforesaid.

3. A deed duly executed under the corporate seal of the said Trustees of the Church of Scotland in the Town of Saint Andrews, shall be sufficient to pass all the right, title, and interest conveyed to them under the name of "The Trustees of Greenock Church, in the Parish of Saint Andrews, in the County of Charlotte, in connexion with the Established Church of Scotland," in the said two tracts of land, and the same shall be good, valid, and effectual for the purpose aforesaid; saving always the right of Her Majesty, and all persons claiming an interest in the said lands.

14th VICTORIA—CHAPTER 9.

An Act to amend an Act relating to Churches erected or to be erected in this Province in connexion with the Established Church of Scotland.

Section.

1. Section of what Act repealed.
2. Trustees, how and by whom elected.
3. Where no proprietary of pews, who may elect.

Section.

4. Majority of Trustees, when a quorum.
5. Chairman, how elected, &c.
6. Intermediate vacancies, how filled up.

Passed 30th April 1851.

Be it enacted, &c.—1. The fourth Section of an Act made and passed in the second year of the Reign of His late Majesty King William the Fourth, intituled *An Act to repeal all the laws now in force relating to Saint Andrews Church, in the City of Saint John, and for incorporating certain persons pewholders of the said Church and of the several Churches erected or to be erected in this Province in connexion with the Church of Scotland*, be and the same is hereby repealed.

2. The owners or proprietors of pews, and all male communicants of the full age of twenty one years, in the several Churches erected or to be erected in this Province in connexion with the Established Church of Scotland, shall on the

first Wednesday in June, or within ten days thereafter, yearly and every year, assemble and meet together at their respective Churches, and then and there by a plurality of voices of the said pewholders and male communicants aforesaid then present, between the hours of twelve and three o'clock in the afternoon, elect and choose any number not exceeding twelve persons nor less than five, being owners or proprietors of pews as aforesaid, to be Trustees for the purposes of the said Act to which this is an amendment, who shall thereupon enter into the execution of their office as such, and continue in the same one year and until other fit persons shall be chosen in their stead ; provided always, that the ownership or proprietorship of a pew shall not entitle more than one person to vote at any such election.

3. And whereas there are now some Churches in connexion with the Established Church of Scotland in this Province that have no proprietary of pews ;—In all such cases, and in all others that may hereafter arise, it shall and may be lawful for all male communicants and regular sitters in any such Church or Churches to assemble at the time and in the manner aforesaid, and elect from among themselves Trustees as hereinbefore provided, who shall, when so elected, exercise and enjoy all the privileges and be subject to the provisions of this or any other Act of the Legislature of this Province made or to be made relating to the Churches aforesaid.

4. In all meetings of Trustees after the passing of this Act, on due notice being given or left at the usual place of business or residence of each Trustee, a majority of the members elected on the day of the annual election shall constitute a quorum for the transaction of business.

5. The Trustees of any Church elected as aforesaid, or the major part of them, after due notice being given, or left at the usual place of abode, of their election, by the Secretary of the meeting, and of the place and time of the first meeting of the Trustees so elected, shall elect from among themselves a Chairman, who shall preside over the deliberations of all meetings of Trustees ; provided always, that in case of absence of such Chairman, it shall be lawful for the Trustees then present to elect a Chairman for the time being to preside over the meeting.

6. In case of refusal to act as a Trustee, or in case of the death or absence from the Province for four months of any Trustee or Trustees so elected as aforesaid, it shall be lawful for the remaining Trustees, or the major part of them, at any meeting regularly convened, to appoint from among those duly qualified under this Act, another or other Trustees, in the room and place of any Trustee or Trustees who may have so refused to act, died, or been absent from the Province for four months, and this so often as the same shall happen; and any Trustee or Trustees so appointed shall continue in office until the next election, or until another or others is or are chosen in his or their stead.

16th VICTORIA—CHAPTER 48.

An Act to amend an Act intituled *An Act to authorize the Trustees of Saint Stephen's Church, in the City of Saint John, to sell and dispose of certain lands in the said City, and to reinvest the proceeds thereof.*

Section.

1. Commissioners, when to pay over proceeds of sales.
2. Outstanding estate vested in Commissioners.

Section.

3. Authority to lease.
4. Vacancies, how filled.
5. Authority to lend money.

Passed 3rd May 1853.

WHEREAS by an Act of the General Assembly of the Province of New Brunswick made and passed in the tenth year of the Reign of Her present Majesty, intituled *An Act to authorize the Trustees of Saint Stephen's Church, in the City of Saint John, to sell and dispose of certain lands in the said City, and to reinvest the proceeds thereof*, it was amongst other things enacted that in case any pewholder or pewholders in the said Saint Stephen's Church shall object to the sale of the said lots of land and buildings, such objection being made in writing at the time of sale, it shall and may be lawful for the Trustees for the time being, to pay to such pewholder or pewholders such sum of money as he or they shall make it satisfactorily appear that he or they paid for the pew or pews of which he or they may be proprietors, after deducting any arrears of rent or purchase money due on such pew or pews to the said Trustees, and upon such payment, the said pewholder or pewholders so objecting as aforesaid shall cease to have any interest

therein : And whereas the land, buildings, and premises mentioned in the said Act, with the appurtenances, have been sold, and the proceeds thereof, after payment of the debts due by the said Church, have been placed in the hands of Commissioners appointed by His Excellency the Lieutenant Governor, pursuant to the terms of the said Act, but such proceeds have not as yet been applied towards the purchase or erection of any other land or buildings, and it has been deemed advisable to allow parties having an interest in the said proceeds, to realize the value of their interest upon fair and equitable terms ;—

Be it therefore enacted, &c.—1. It shall and may be lawful for the Commissioners for the time being, appointed or to be appointed by His Excellency the Lieutenant Governor under the authority of the said Act, upon application being made to them, in writing, by any person or persons having been a proprietor or proprietors of a pew or pews in the said Church at the time of the sale of the said Church, or his or their personal representative, setting forth the price paid by such proprietor or proprietors for their pews respectively, and the time of payment thereof, also whether there was at the time of such sale, any, and if any, what amount of rent due upon such pews to the Trustees of the said Church, and requiring payment for the value of the said pew or pews, to pay to such person or persons, or his or their personal representative, the price so paid for such pew or pews, deducting all arrears of rent due thereon up to the time of such sale, or such other sum or sums as the said Commissioners, or the major part of them, shall consider to have been the true value of such pew or pews at the time of such sale ; and upon payment thereof, such proprietor or proprietors, and his or their legal representatives and assigns, shall cease to have any estate or interest in the said fund so realized from the sale of the said Church as aforesaid.

2. All and singular the real and personal estate belonging to the Trustees of Saint Stephen's Church, in the City of Saint John, at the time of the sale of the said Church, and not sold and disposed of under the said Act, shall be and is hereby vested in the Commissioners appointed by His Excellency the Lieutenant Governor under the authority of the said

Act, and such other person and persons as may from time to time hereafter be appointed in their or either of their stead, to hold the same during the term of their respective tenure of the said office, and to receive and take the rents, issues, and profits thereof, in trust for the purchase, erection, and support of "some suitable place for public worship in connexion with the Established Church of Scotland," as provided in the said Act.

3. The said Commissioners for the time being are hereby empowered to grant leases of the said lands, or any parts thereof, not to exceed the term of twenty one years, with covenants for renewal, or payment for improvements, or such other covenants as are usual and customary; and upon the erection or purchase of some suitable place for public worship in connexion with the Established Church of Scotland, under and by virtue of the said recited Act, and the appointment and election of Trustees therefor, the said real and personal estate shall thereupon *ipso facto* be and become vested in such Trustees, their successors and assigns, for ever.

4. It shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, from time to time, in case of death, refusal to act, or removal from the County of Saint John of any of the Commissioners so appointed, to appoint any other person or persons to be Commissioners in the place and stead of the parties so dying, removing, or refusing to act, and so from time to time as occasion shall require; and such Commissioners shall thereupon be vested with such estate, power, and authority as were vested in the Commissioners so dying, removing, or refusing to act; provided always, that such Commissioners so appointed shall be resident in the County of Saint John, and shall be members of the Presbyterian Church in connexion with the Established Church of Scotland.

5. The said Commissioners from time to time are hereby authorized and empowered to lend the moneys now in their hands, or hereafter coming into their hands, upon mortgage, or upon Government or other good securities, upon interest.

9th VICTORIA—CHAPTER 72.

An Act to incorporate the Roman Catholic Bishop in New Brunswick.

Section.

1. Roman Catholic Bishop incorporated.
2. Lands held in trust for Church, how conveyed.
3. Leases, what consent obtained for.
4. Act not to confer spiritual jurisdiction.

Section.

5. By whom corporate powers to be exercised.
6. Rights of Her Majesty and others reserved.
7. Suspension clause.

Passed 11th April 1846.

WHEREAS it is deemed just and expedient to incorporate the Right Reverend William Dollard, Roman Catholic Bishop in the Province of New Brunswick, for the purpose of enabling him and his successors to hold and acquire real estate in this Province for religious purposes ;—

Be it therefore enacted, &c.—1. From and after the passing of this Act, the Right Reverend William Dollard, and his successor and successors, being the Roman Catholic Bishop in the Province of New Brunswick, in communion with the Church of Rome, and being British born subjects, or duly naturalized, shall be and he is hereby declared to be a body corporate in his Diocese aforesaid, in deed and in name; and the said William Dollard, and his successor and successors for the time being, by the name of “The Roman Catholic Episcopal Corporation for the Diocese of New Brunswick,” shall by the same name have perpetual succession, and a common seal, and shall have power from time to time (by and with the advice of his coadjutor and senior Vicar General, or of two Clergymen for the time being, as hereinafter mentioned,) to alter and renew or change such common seal at pleasure; and shall by the name as aforesaid from time to time and at all times hereafter be able and capable in law to have, hold, purchase, acquire, possess, and enjoy for the general use and uses, eleemosynary, ecclesiastical, or educational of the said Church of Rome in his Diocese, or of the religious community, or of any portion of the same community within his Diocese, any lands, tenements, or hereditaments within the Province of New Brunswick; and the same real estate, or any part thereof, for the purposes aforesaid from time to time, by and with the advice and consent hereinafter mentioned, to let or demise by indenture under the seal of the said Corporation, for any period not

exceeding twenty one years from the day of the making thereof, provided that upon any such lease the rent shall be reserved and payable to the said Corporation yearly and every year during the continuance of the said lease; and no such lease shall be made without impeachment of waste; and no fine or sum in gross shall under any pretence whatsoever be taken for the same, beyond such yearly rent so reserved as aforesaid, otherwise the said lease shall be utterly null and void to all intents and purposes whatsoever; and by the same name respectively the said Roman Catholic Bishop and his successor and successors, shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered in all Courts of law and equity and places whatsoever, in as large, ample, and beneficial a manner as any other body corporate, or as any other person may or can in law or equity sue or be sued, implead or be impleaded, answer or be answered unto, in any manner whatsoever; provided always, that the lands and premises so to be holden by the said Corporation shall not at any time exceed the annual value of five hundred pounds in any one Parish in this Province; and further provided, that the rents and profits arising from any such lands and premises shall be applied for the uses and purposes of the Church or Churches within the Parish where such lands are situate, and not elsewhere.

2. It shall be lawful for any person or persons within the said Diocese of the said Roman Catholic Bishop, in whom or in whose name or names any lands, tenements, and hereditaments situate, lying, and being within the Province of New Brunswick, are now or shall or may be hereafter vested in trust or otherwise, for the benefit of the said Roman Catholic Church in the said Diocese, from time to time to convey, assign, or transfer by deed under his hand and seal, or their hands and seals, in the usual legal way, all or any of the said lands, tenements, and hereditaments unto the Roman Catholic Bishop for the time being of the said Diocese, by his corporate name aforesaid, to be holden by the said Bishop and his successor and successors, in his said corporate name aforesaid, for the purposes aforesaid, as provided by this Act.

3. It shall not be lawful for the said Bishop, or for his successor or successors for the time being, to make or execute

any indenture of lease as aforesaid, of the lands, tenements, and hereditaments acquired or held, or to be hereafter acquired by him under and by virtue of this Act, without the consent in writing of his coadjutor and senior Vicar General, or in case the said coadjutor or Vicar General, or either of them, shall be incapacitated by sickness, infirmity, or any other cause, or shall happen to be necessarily absent at the time, then of two Clergymen to be selected or named by the Roman Catholic Bishop of the Diocese, such selection or nomination, and such consent to appear upon the face of the indenture or lease intended to be executed by the parties, and to be testified by the said Bishop and coadjutor and senior Vicar General, or such two Clergymen as aforesaid, being made parties to and signing and sealing the said indenture of lease in the presence of two credible witnesses, as consenting parties thereto respectively.

4. Nothing in this Act contained shall extend or be construed to extend in any manner to confer any spiritual or ecclesiastical rights whatsoever upon the said Roman Catholic Bishop hereinbefore mentioned, or upon his successor or successors, or other ecclesiastical person of the said Church, in communion with the Church of Rome aforesaid.

5. In case the said Roman Catholic Bishop or his successor or successors, shall from sickness, infirmity, or any other cause, become incapable of or be incapacitated from performing his or their duties in his Diocese, then his coadjutor or the person administering the Diocese, shall have the same powers as are by this Act conferred upon the Roman Catholic Bishop of the said Diocese.

6. Nothing herein contained shall affect or be construed to affect in any manner or way the rights of Her Majesty, Her Heirs or Successors, or of any person or persons whomsoever, or of any body politic or corporate, or of any Church Wardens, or auditors of accounts, in any Roman Catholic Church in this Province, or in any way to abridge, diminish, or take away any of the rights, privileges, and advantages now enjoyed and possessed by any pewholder, or any person having any right, title, or interest in any pew or sitting in any Roman Catholic Church or Chapel in this Province, such only excepted as are hereinbefore mentioned and provided for.

7. This Act shall not come in force or be in operation until Her Majesty's Royal approbation be thereunto had and declared.

[*This Act was specially confirmed, ratified, and finally enacted by an Order of Her Majesty in Council, dated the 6th day of July 1846, and published and declared in this Province the 12th day of August 1846.*]

16th VICTORIA—CHAPTER 6.

An Act to authorize the Roman Catholic Episcopal Corporation for the Diocese of New Brunswick to sell, dispose of, and mortgage Lands in the City and County of Saint John, and to reinvest the proceeds thereof.

Section.

1. Corporation may sell, &c. lands.

Section.

2. Authority to mortgage.

Passed 14th April 1853.

WHEREAS the Roman Catholic Episcopal Corporation for the Province of New Brunswick is seized and possessed of a certain lot and parcel of land and premises situate, lying, and being in King's Ward, in the City of Saint John, described as follows in the conveyance to the said Corporation, that is to say,—All that lot, piece, or parcel of land situate, lying, and being in King's Ward, in said City, on the eastern line of a road or street sixty feet in width, laid out by the Honorable Ward Chipman for a public road or street in continuance of Coburg Street at the northern end thereof, and passing along the western line of lands there belonging to Charles Jeffery Peters, Esquire, and to the heirs of the late Doctor Adino Paddock; the said lot hereby conveyed beginning at a stake set up on the eastern line of the said road or street, distant one hundred and sixty feet from the northwestern corner of the lot owned by the heirs of the said Adino Paddock; thence running northerly on the line of the said road or street, one hundred and fifty feet to a stake; thence easterly on a line parallel with the said side line of the said lot belonging to the heirs of Adino Paddock, two hundred and eighty feet to a stake; thence southerly on a line parallel with the line of the said road or street, one hundred and fifty feet to a stake; thence westerly on a line again parallel with the side line of the said lot of the heirs of the said Adino Paddock, two hundred and eighty five feet, to the place of beginning: And whereas it is deemed

desirable to grant unto the said Corporation full power and control to sell, dispose of, and convey, whether by mortgage or by absolute sale, all and singular the said lands and premises, and to reinvest the proceeds thereof in the purchase of other land, and in the erection of a Cathedral Church for the use of the Roman Catholic congregation of the City of Saint John ;—

Be it therefore enacted, &c.—1. The said Roman Catholic Episcopal Corporation for the Diocese of New Brunswick, and successors, be and they are hereby authorized and empowered to sell, dispose of, mortgage, and convey the said land and premises, with the apurtenances, either absolutely or conditionally, in one lot or in separate parcels, in such manner, and under and subject to such conditions, covenants, and agreements, as by the said Corporation and successors may be deemed necessary and proper, and thereupon to make good, legal, and sufficient conveyances of the same, by and under the seal of the said Corporation ; and the respective purchasers and mortgagees thereof shall not be bound to see to the application of the purchase moneys therefor.

2. And whereas it appears it would tend much to the benefit of the Roman Catholic inhabitants of the City and County of Saint John, if the said Corporation were authorized and empowered from time to time, by and with the advice of the Vicar General or senior Clergyman of the Diocese for the time being, to mortgage to the extent of one third part of their estimated value, any lands hereafter to be purchased or otherwise acquired by the said Corporation in the said City and County, and to apply the proceeds thereof for the general use and uses, eleemosynary, ecclesiastical, or educational, as occasion may require, of the Church of Rome in the said City and County ;—It therefore shall and may be lawful for the said Roman Catholic Episcopal Corporation for the Diocese of New Brunswick, and successors, from time to time, as circumstances may require, to raise moneys on mortgage of any lands and premises hereafter to be purchased or otherwise acquired by the said Corporation within the City and County of Saint John, to an extent not exceeding in the whole one third part of the estimated value of such lands and premises, and thereupon, for the purposes aforesaid, to execute good and legal conveyances of the same, under the seal of the said

Corporation, by and with the approbation of the Vicar General or senior Clergyman of the Diocese for the time being, to be signified by either of them being made a party to such conveyance, and executing and acknowledging the same.

IMPERIAL ACT, 10 GEORGE 4, CHAPTER 7,

Referred to in the Revised Statutes, Chapter 108, page 275.

An Act for the relief of His Majesty's Roman Catholic Subjects.

Section.

1. Acts repealed.
2. Roman Catholics, when may sit in Parliament.
3. Name of Sovereign, how used.
4. When incapable of sitting, &c.
5. When may vote, &c.
6. Oath.
7. Who to administer same.
8. What part of Act repealed, and how may sit, &c. for Scotland.
9. Priest not to sit in Commons.
10. What offices may hold.
11. Oath of office.
12. What offices may not hold.
13. What not repealed.
14. Of what Corporations may be members.
15. When not to vote as such.
16. What offices not to hold in Church, &c.
17. Benefice held by, who to present.
18. In Established Church, what not to advise.
19. Corporate oaths.
20. Oaths for other offices.
21. Penalty for not taking oath.

Section.

22. Military, &c., oaths by.
23. Other oaths not necessary.
24. Titles to Sees, when not to assume.
25. Officers, when not to attend what places of worship.
26. Ecclesiastic officiating, where. Penalty.
27. What Statute not to be repealed.
28. Jesuits, suppression of.
29. Coming into Realm, to be banished.
30. If natural born, they may come and be registered.
31. Licences for others to come, &c., by whom.
32. Licences to be returned, where.
33. Admission to Jesuits' Order, punishment of.
34. After admission, to be banished.
35. By whom banished.
36. When may be transported, &c.
37. Females excepted.
38. Recovery of penalties.
39. Act, when may be altered.
40. When to commence.

Schedule.

Passed 13th April 1829.

WHEREAS by various Acts of Parliament certain restraints and disabilities are imposed on the Roman Catholic subjects of His Majesty, to which other subjects of His Majesty are not liable: And whereas it is expedient that such restraints and disabilities shall be from henceforth discontinued: And whereas by various Acts certain oaths and certain declarations, commonly called the declaration against transubstantiation and the declaration against transubstantiation and the invocation of Saints, and the sacrifice of the Mass as practised in the Church of Rome, are or may be required to be taken, made, and subscribed by the subjects of His Majesty as qualifications for sitting and voting in Parliament, and for the enjoyment of certain offices, franchises, and civil rights;—

1. Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the commencement of this Act all such parts of the said Act as require the said declaration, or either of them, to be made or subscribed by any of His Majesty's subjects, as a qualification for sitting and voting in Parliament, or for the exercise or enjoyment of any office, franchise, or civil right, be and the same are (save as hereinafter provided and excepted) hereby repealed.

2. And be it enacted, That from and after the commencement of this Act, it shall be lawful for any person professing the Roman Catholic Religion, being a Peer, or who shall after the commencement of this Act be returned as a Member of the House of Commons, to sit and vote in either House of Parliament respectively, being in all other respects duly qualified to sit and vote therein, upon taking and subscribing the following oath, instead of the oaths of allegiance, supremacy, and abjuration :—

“I, A. B. do sincerely promise and swear, that I will be faithful, and bear true allegiance to His Majesty King George the Fourth, and will defend him to the utmost of my power against all conspiracies and attempts whatever which shall be made against his Person, Crown, or Dignity ; and I will do my utmost endeavour to disclose and make known to His Majesty, His Heirs and Successors, all treasons and traitorous conspiracies which may be formed against him or them ; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the Crown, which succession by an Act intituled *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*, is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this Realm ; and I do further declare, that it is not an article of my Faith, and that I do renounce, reject, and abjure the opinion, that Princes excommunicated or deprived by the Pope, or any other authority of the See of Rome, may be deposed or murdered by

their subjects or by any person whatsoever ; and I do declare, that I do not believe that the Pope of Rome or any other Foreign Prince, Prelate, Person, State, or Potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this Realm. I do swear, that I will defend to the utmost of my power, the settlement of property within this Realm as established by the Laws ; and I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment as settled by Law within this Realm ; and I do solemnly swear, that I never will exercise any privilege to which I am or may become entitled to disturb or weaken the Protestant Religion or Protestant Government in the United Kingdom ; and I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatsoever.—So help me God.”

3. And be it further enacted, That wherever in the oath hereby appointed and set forth, the name of His present Majesty is expressed or referred to, the name of the Sovereign of this Kingdom for the time being, by virtue of the Act for the further limitation of the Crown and better securing the rights and liberties of the subject, shall be substituted from time to time with proper words of reference thereto.

4. Provided always, and be it further enacted, That no Peer professing the Roman Catholic Religion, and no person professing the Roman Catholic Religion who shall be returned a Member of the House of Commons after the commencement of this Act, shall be capable of sitting or voting in either House of Parliament respectively, unless he shall first take and subscribe the oath hereinbefore appointed and set forth before the same persons, at the same times and places, and in the same manner as the oaths and the declaration now required by law are respectively directed to be taken, made, and subscribed ; and that any such person professing the Roman Catholic Religion, who shall sit or vote in either House of Parliament without having first taken and subscribed in the manner aforesaid, the oath in this Act appointed and set forth, shall be subject to the same penalties, forfeitures, and disabilities, and the offence of so

sitting or voting shall be followed and attended by and with the same consequences as are by law enacted and provided in the case of persons sitting or voting in either House of Parliament respectively, without the taking, making, and subscribing the oaths and the declaration now required by law.

5. And be it further enacted, That it shall be lawful for persons professing the Roman Catholic Religion to vote at elections of Members to serve in Parliament for England and for Ireland, and also to vote at the elections of Representative Peers of Scotland and of Ireland, and to be elected such Representative Peers, being in all other respects duly qualified, upon taking and subscribing the oath hereinbefore appointed and set forth, instead of the oaths of allegiance, supremacy, and abjuration, and instead of the declaration now by law required, and instead also of such other oath or oaths as are now by law required to be taken by any of His Majesty's subjects professing the Roman Catholic Religion, and upon taking also such other oath or oaths as may now be lawfully tendered to any person offering to vote at such elections.

6. And be it further enacted, That the oath hereinbefore appointed and set forth shall be administered to His Majesty's subjects professing the Roman Catholic Religion, for the purpose of enabling them to vote in any of the cases aforesaid, in the same manner, at the same time, and by the same officers or other persons as the oaths for which it is hereby substituted are or may be now by law administered; and that in all cases in which a certificate of the taking, making, or subscribing of any of the oaths or of the declaration now required by law is directed to be given, a like certificate of the taking or subscribing of the oath hereby appointed and set forth shall be given by the same officer or other person, and in the same manner as the certificate now required by law is directed to be given, and shall be of the like force and effect.

7. And be it further enacted, That in all cases where the persons now authorized by law to administer the oaths of allegiance, supremacy, and abjuration to persons voting at elections, are themselves required to take an oath previous to their administering such oaths, they shall, in addition to the oath now by them taken, take an oath for the duly administering the oath hereby appointed and set forth, and for the duly granting certificates of the same.

8. And whereas in an Act of the Parliament of Scotland made in the eighth and ninth Session of the first Parliament of King William the Third, intituled *An Act for the preventing the growth of Popery*, a certain declaration or formula is therein contained, which it is expedient should no longer be required to be taken and subscribed ;—Be it therefore enacted, That such parts of any Acts as authorize the said declaration or formula to be tendered or require the same to be taken, sworn, and subscribed, shall be and the same are hereby repealed, except as to such offices, places, and rights as are hereinafter excepted ; and that from and after the commencement of this Act it shall be lawful for persons professing the Roman Catholic Religion to elect and be elected Members to serve in Parliament for Scotland, and to be enrolled as freeholders in any Shire or Stewartry of Scotland, and to be chosen Commissioners or Delegates for choosing Burgesses to serve in Parliament for any Districts or Burghs in Scotland, being in all other respects duly qualified, such persons always taking and subscribing the oath hereinbefore appointed and set forth, instead of the oaths of allegiance and abjuration as now required by law, at such time as the said last mentioned oaths, or either of them, are now required by law to be taken.

9. And be it further enacted, That no person in holy orders in the Church of Rome shall be capable of being elected to serve in Parliament as a Member of the House of Commons ; and if any such person shall be elected to serve in Parliament as aforesaid, such election shall be void ; and if any person, being elected to serve in Parliament as a Member of the House of Commons shall, after his election, take or receive holy orders in the Church of Rome, the seat of such person shall immediately become void ; and if any such person shall, in any of the cases aforesaid, presume to sit or vote as a Member of the House of Commons, he shall be subject to the same penalties, forfeitures, and disabilities as are enacted by an Act passed in the forty first year of the Reign of King George the Third, intituled *An Act to remove doubts respecting the eligibility of persons in holy orders to sit in the House of Commons*, and proof of the celebration of any religious service by such person according to the rites of the Church of Rome, shall be deemed and taken to be prima facie evidence of the fact of such person

being in holy orders, within the intent and meaning of this Act.

10. And be it enacted, That it shall be lawful for any of His Majesty's subjects professing the Roman Catholic Religion to hold, exercise, and enjoy all civil and military offices and places of trust or profit under His Majesty, His Heirs or Successors, and to exercise any other franchise or civil right, except as hereinafter excepted, upon taking and subscribing, at the times and in the manner hereinafter mentioned, the oath hereinbefore appointed and set forth, instead of the oaths of allegiance, supremacy, and abjuration, and instead of such other oath or oaths as are or may be now by law required to be taken for the purpose aforesaid by any of His Majesty's subjects professing the Roman Catholic Religion.

11. Provided always, and be it enacted, That nothing herein contained shall be construed to exempt any person professing the Roman Catholic Religion from the necessity of taking any oath or oaths, or making any declaration not hereinbefore mentioned, which are or may be by law required to be taken or subscribed by any person on his admission into any such office or place of trust or profit as aforesaid.

12. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to enable any person or persons professing the Roman Catholic Religion to hold or exercise the office of Guardians and Justices of the United Kingdom, or of Regent of the United Kingdom, under whatever name, style, or title such office may be constituted, nor to enable any person, otherwise than as he is now by law enabled, to hold or enjoy the office of Lord High Chancellor, Lord Keeper, or Lord Commissioner of the Great Seal of Great Britain or Ireland, or the office of Lord Lieutenant, or Lord Deputy, or other Chief Governor or Governors of Ireland, or His Majesty's High Commissioner to the General Assembly of the Church of Scotland.

13. Provided also, and be it further enacted, That nothing herein contained shall be construed to affect or alter any of the provisions of an Act passed in the seventh year of His Majesty's Reign, intituled *An Act to consolidate and amend the Laws which regulate the levy and application of Church rates and Parish cesses, and the election of Church Wardens, and the maintenance of Parish Clerks in Ireland.*

14. And be it enacted, That it shall be lawful for any of His Majesty's subjects professing the Roman Catholic Religion to be a member of any lay body corporate, and to hold any civil office or place of trust or profit therein, and to do any corporate act, or vote in any corporate election or other proceeding, upon taking and subscribing the oaths hereby appointed and set forth, instead of the oath of allegiance, supremacy, and abjuration, and upon taking also such other oath or oaths as may now by law be required to be taken by any persons becoming members of such lay body corporate, or being admitted to hold any office or place of trust or profit within the same.

15. Provided nevertheless, and be it further enacted, That nothing herein contained shall extend to authorize or empower any of His Majesty's subjects professing the Roman Catholic Religion, and being a member of any lay body corporate, to give any vote at, or in any manner to join in the election, presentation, or appointment of any person to any Ecclesiastical Benefice whatsoever, or any office or place belonging to or connected with the United Church of England and Ireland, or the Church of Scotland, being in the gift, patronage, or disposal of such lay corporate body.

16. Provided also, and be it enacted, That nothing in this Act contained shall be construed to enable any persons, otherwise than as they are now by law enabled, to hold, enjoy, or exercise any office, place, or dignity of, in, or belonging to the United Church of England and Ireland, or the Church of Scotland, or any place or office whatever of, in, or belonging to any of the Ecclesiastical Courts of Judicature of England and Ireland respectively, or any Court of Appeal from, or Review of the sentences of such Courts, or of, in, or belonging to the Commissary Court of Edinburgh, or of, in, or belonging to any Cathedral, or Collegiate or Ecclesiastical Establishment or Foundation, or any office or place whatever of, in, or belonging to any of the Universities of this Realm, or any office or place whatever, and by whatever name the same may be called, of, in, or belonging to any of the Colleges or Halls of the said Universities, or the Colleges of Eton, Westminster, and Winchester, or any College or School within this Realm, or to repeal, abrogate, or in any manner to interfere with any local statute, ordinance, or rule, which is or shall be established by

competent authority within any University, College, Hall, or School, by which Roman Catholics shall be prevented from being admitted thereto, or from residing or taking degrees therein; provided also, that nothing herein contained shall extend or be construed to extend to enable any person otherwise than as he is now by law enabled, to exercise any right of presentation to any Ecclesiastical Benefice whatsoever, or to repeal, vary, or alter in any manner the laws now in force in respect to the right of presentation to any Ecclesiastical Benefice.

17. Provided always, and be it enacted, That where any right of presentation to any Ecclesiastical Benefice shall belong to any office in the gift or appointment of His Majesty, His Heirs or Successors, and such office shall be held by a person professing the Roman Catholic Religion, the right of presentation shall devolve upon and be exercised by the Archbishop of Canterbury for the time being.

18. And be it enacted, That it shall not be lawful for any person professing the Roman Catholic Religion, directly or indirectly, to advise His Majesty, His Heirs or Successors, or any person or persons holding or exercising the office of Guardians of the United Kingdom, or Regent of the United Kingdom, under whatever name, style, or title such office may be constituted, or the Lord Lieutenant, or Lord Deputy, or other Chief Governor or Governors of Ireland, touching or concerning the appointment to or disposal of any office or preferment in the United Church of England and Ireland, or in the Church of Scotland; and if any such person shall offend in the premises, he shall, being thereof convicted by due course of law, be deemed guilty of a high misdemeanor, and disabled for ever from holding any office, civil or military, under the Crown.

19. And be it enacted, That every person professing the Roman Catholic Religion who shall after the commencement of this Act be placed, elected, or chosen in or to the office of Mayor, Provost, Alderman, Recorder, Bailiff, Town Clerk, Magistrate, Councillor or Common Councilman, or in or to any office of magistracy or place of trust or employment, relating to the Government of any City, Corporation, Borough, Burgh, or District within the United Kingdom of Great Britain

and Ireland, shall within one calendar month next before or upon his admission into any of the same respectively, take and subscribe the oath herein before appointed and set forth, in the presence of such person or persons respectively as by the charters or usages of the said respective Cities, Corporations, Burghs, Boroughs, or Districts, ought to administer the oath for due execution of the said offices or places respectively; and in default of such, in the presence of two Justices of the Peace, Councillors or Magistrates of the said Cities, Corporations, Burghs, Boroughs, or Districts, if such there be; or otherwise, in the presence of two Justices of the Peace of the respective Counties, Ridings, Divisions, or Franchises wherein the said Cities, Corporations, Burghs, Boroughs, or Districts are; which said oath shall either be entered in a book, roll, or other record to be kept for that purpose, or shall be filed amongst the records of the City, Corporation, Burgh, Borough, or District.

20. And be it enacted, That every person professing the Roman Catholic Religion who shall after the commencement of this Act be appointed to any office or place of trust or profit under His Majesty, His Heirs or Successors, shall within three calendar months next before such appointment, or otherwise shall, before he presumes to exercise, or enjoy, or in any manner to act in such office or place, take and subscribe the oath herein before appointed and set forth, either in His Majesty's High Court of Chancery, or in any of His Majesty's Courts of King's Bench, Common Pleas, or Exchequer, at Westminster or Dublin; or before any Judge of Assize, or in any Court of General or Quarter Sessions of the Peace in Great Britain or Ireland, for the County or place where the person so taking and subscribing the oath shall reside; or in any of His Majesty's Courts of Session, Justiciary, Exchequer, or Jury Court, or in any Sheriff or Stewart Court, or in any Burgh Court, or before the Magistrates and Councillors of any Royal Burgh in Scotland, between the hours of nine in the morning and four in the afternoon; and the proper officer of the Court in which such oath shall be so taken and subscribed shall cause the same to be preserved amongst the records of the Court; and such officer shall make, sign, and deliver a certificate of such oath having been duly taken and subscribed,

as often as the same shall be demanded of him, upon payment of two shillings and six pence for the same; and such certificate shall be sufficient evidence of the person therein named having duly taken and subscribed such oath.

21. And be it enacted, That if any person professing the Roman Catholic Religion shall enter upon the exercise or enjoyment of any office or place of trust or profit under His Majesty, or of any other office or franchise, not having in the manner and at the times aforesaid taken and subscribed the oath herein before appointed and set forth, then and in every such case such person shall forfeit to His Majesty the sum of two hundred pounds; and the appointment of such person to the office, place, or franchise so by him held, shall become altogether void, and the office, place, or franchise shall be deemed and taken to be vacant to all intents and purposes whatsoever.

22. Provided always, That for and notwithstanding any thing in this Act contained, the oath herein before appointed and set forth shall be taken by the officers in His Majesty's land and sea service, professing the Roman Catholic Religion, at the same times and in the same manner as the oaths and declarations now required by law are directed to be taken, and not otherwise.

23. And be it further enacted, That from and after the passing of this Act no oath or oaths shall be tendered to or required to be taken by His Majesty's subjects professing the Roman Catholic Religion, for enabling them to hold or enjoy any real or personal property, other than such as may by law be tendered to and required to be taken by His Majesty's other subjects; and that the oath herein appointed and set forth, being taken and subscribed in any of the Courts, or before any of the persons above mentioned, shall be of the same force and effect, to all intents and purposes as, and shall stand in the place of all oaths and declarations required or prescribed by any law now in force for the relief of His Majesty's Roman Catholic subjects from any disabilities, incapacities, or penalties; and the proper officers of any of the Courts above mentioned, in which any person professing the Roman Catholic Religion shall demand to take and subscribe the oath herein appointed and set forth, is hereby authorized and required to

administer the said oath to such person, and such officer shall make, sign, and deliver a certificate of such oath having been duly taken and subscribed, as often as the same shall be demanded of him, upon payment of one shilling; and such certificate shall be sufficient evidence of the person therein named having duly taken and subscribed such oath.

24. And whereas the Protestant Episcopal Church of England and Ireland, and the doctrine, discipline, and government thereof, and likewise the Protestant Presbyterian Church of Scotland, and the doctrine, discipline, and government thereof, are by the respective Acts of Union of England and Scotland, and of Great Britain and Ireland, established permanently and inviolably: And whereas the right and title of Archbishops to their respective Provinces, of Bishops to their Sees, and of Deans to their Deaneries, as well in England as in Ireland, have been settled and established by law;—Be it therefore enacted, That if any person, after the commencement of this Act, other than the person thereunto authorized by law, shall assume or use the name, style, or title of Archbishop of any Province, Bishop of any Bishoprick, or Dean of any Deanery in England or Ireland, he shall for every such offence forfeit and pay the sum of one hundred pounds.

25. And be it further enacted, That if any person holding any Judicial or Civil Office, or any Mayor, Provost, Jurat, Bailiff, or other Corporate Officer, shall, after the commencement of this Act, resort or be present at any place or public meeting for religious worship in England or in Ireland, other than that of the United Church of England and Ireland, or in Scotland, other than that of the Church of Scotland as by law established, in the Robe, Gown, or other peculiar Habit of his office, or attend with the ensign or insignia, or any part thereof, of, or belonging to such his office, such person shall, being thereof convicted by due course of law, forfeit such office, and pay for every such offence the sum of one hundred pounds.

26. And be it further enacted, That if any Roman Catholic Ecclesiastic, or any member of any of the orders, communities, or societies herein after mentioned, shall after the commencement of this Act exercise any of the rites or ceremonies of the Roman Catholic Religion, or wear the habits of his order, save within the usual places of worship of the Roman Catholic

Religion, or in private houses, such Ecclesiastic or other person shall, being thereof convicted by due course of law, forfeit for every such offence the sum of fifty pounds.

27. Provided always, and be it enacted, That nothing in this Act contained shall in any manner repeal, alter, or affect any provision of an Act made in the fifth year of His present Majesty's Reign, intituled *An Act to repeal so much of an Act passed in the ninth year of King William the Third, as relates to burials in suppressed Monasteries, Abbeys, or Convents in Ireland, and to make further provision with respect to the burial in Ireland of persons dissenting from the Established Church.*

28. And whereas Jesuits and members of other religious orders, communities, or societies of the Church of Rome, bound by monastic or religious vows, are resident within the United Kingdom, and it is expedient to make provision for the gradual suppression and final prohibition of the same therein;—Be it therefore enacted, That every Jesuit, and every member of any other religious order, community, or society of the Church of Rome, bound by monastic or religious vows, who at the time of the commencement of this Act shall be within the United Kingdom, shall within six calendar months after the commencement of this Act deliver to the Clerk of Peace of the County or place where such person shall reside, or to his Deputy, a notice or statement, in the form and containing the particulars required to be set forth in the Schedule to this Act annexed; which notice or statement such Clerk of the Peace or his Deputy shall preserve and register amongst the records of such County or place without any fee, and shall forthwith transmit a copy of such notice or statement to the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of Ireland, if such person shall reside in Ireland, or if in Great Britain, to one of His Majesty's Principal Secretaries of State; and in case any person shall offend in the premises, he shall forfeit and pay to His Majesty, for every calendar month during which he shall remain in the United Kingdom without having delivered such notice or statement as is herein before required, the sum of fifty pounds.

29. And be it further enacted, That if any Jesuit or member of any such religious order, community, or society as aforesaid, shall after the commencement of this Act come into

this Realm, he shall be deemed and taken to be guilty of a misdemeanor, and being therefore lawfully convicted, shall be sentenced and ordered to be banished from the United Kingdom for the term of his natural life.

30. Provided always, and be it further enacted, That in case any natural born subject of this Realm, being at the time of the commencement of this Act a Jesuit or other member of any such religious order, community, or society as aforesaid, shall at the time of the commencement of this Act be out of the Realm, it shall be lawful for such person to return or to come into this Realm; and upon such his return or coming into the Realm he is hereby required, within the space of six calendar months after his first returning or coming into the United Kingdom, to deliver such notice or statement to the Clerk of the Peace of the County or place where he shall reside, or his Deputy, for the purpose of being so registered and transmitted, as herein before directed; and in case any such person shall neglect or refuse so to do, he shall for such offence forfeit and pay to His Majesty, for every calendar month during which he shall remain in the United Kingdom without having delivered such notice or statement, the sum of fifty pounds.

31. Provided also, and be it further enacted, That notwithstanding any thing herein before contained, it shall be lawful for any one of His Majesty's Principal Secretaries of State, being a Protestant, by a licence in writing, signed by him, to grant permission to any Jesuit or member of any such religious order, community, or society as aforesaid, to come into the United Kingdom, and to remain therein for such period as the said Secretary of State shall think proper, not exceeding in any case the space of six calendar months; and it shall also be lawful for any of His Majesty's Principal Secretaries of State to revoke any licence so granted before the expiration of the time mentioned therein, if he shall so think fit; and if any such person to whom such licence shall have been granted shall not depart from the United Kingdom within twenty days after the expiration of the time mentioned in such licence, or if such licence shall have been revoked, then within twenty days after notice of such revocation shall have been given to him, every person so offending shall be deemed guilty of a misdemeanor, and being thereof lawfully convicted shall be

sentenced and ordered to be banished from the United Kingdom for the term of his natural life.

32. And be it further enacted, That there shall annually be laid before both Houses of Parliament an account of all such licences as shall have been granted for the purpose herein before mentioned within the twelve months then next preceding.

33. And be it further enacted, That in case any Jesuit or member of any such religious order, community, or society as aforesaid, shall after the commencement of this Act, within any part of the United Kingdom, admit any person to become a regular Ecclesiastic, or brother or member of any such religious order, community, or society, or be aiding or consenting thereunto, or shall administer or cause to be administered, or be aiding or assisting in the administering or taking any oath, vow, or engagement purporting or intending to bind the person taking the same to the rules, ordinances, or ceremonies of such religious order, community, or society, every person offending in the premises in England or Ireland shall be deemed guilty of a misdemeanor, and in Scotland shall be punished by fine and imprisonment.

34. And be it further enacted, That in case any person shall after the commencement of this Act, within any part of this United Kingdom, be admitted or become a Jesuit, or brother or member of any other such religious order, community, or society as aforesaid, such person shall be deemed and taken to be guilty of a misdemeanor, and being thereof lawfully convicted shall be sentenced and ordered to be banished from the United Kingdom for the term of his natural life.

35. And be it further enacted, That in case any person sentenced and ordered to be banished under the provisions of this Act, shall not depart from the United Kingdom within thirty days after the pronouncing of such sentence and order, it shall be lawful for His Majesty to cause such person to be conveyed to such place out of the United Kingdom as His Majesty, by the advice of His Privy Council, shall direct.

36. And be it further enacted, That if any offender who shall be so sentenced and ordered to be banished in manner aforesaid shall, after the end of three calendar months from the time such sentence and order hath been pronounced, be at large within any part of the United Kingdom without some

lawful cause, every such offender being so at large as aforesaid, on being thereof lawfully convicted, shall be transported to such place as shall be appointed by His Majesty, for the term of his natural life.

37. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend in any manner to affect any religious order, community, or establishment consisting of females bound by religious or monastic vows.

38. And be it further enacted, That all penalties imposed by this Act shall and may be recovered as a debt due to His Majesty, by information to be filed in the name of His Majesty's Attorney General for England or for Ireland, as the case may be, in the Courts of Exchequer in England or Ireland respectively, or in the name of His Majesty's Advocate General in the Court of Exchequer in Scotland.

39. And be it further enacted, That this Act, or any part thereof, may be repealed, altered, or varied at any time within this present Session of Parliament.

40. And be it further enacted, That this Act shall commence and take effect at the expiration of ten days from and after the passing thereof.

SCHEDULE to which this refers.

Date of the registry.	Name of the party	Age	Place of Birth.	Name of the order, community, or society whereof he is a Member.	Name & usual residence of the next immediate superior of the order, community, or society.	Usual place of residence of the party.

10th VICTORIA—CHAPTER 71.

An Act to provide for the incorporation of certain Presbyterian Churches in this Province not in connexion with the Established Church of Scotland.

Section.	Section.
1. Trustees of Church in Saint John incorporated.	3. Trustees, when and how appointed.
2. Land on which Church built, in whom vested.	4. Minister, how chosen.
	5. Minister, &c. to hold office, by what tenure.

Section.

6. Corporation, how liable for former Minister's salary.

Section.

7. Trustees of other Churches, how elected and incorporated.

Passed 14th April 1847.

WHEREAS it appears to be the desire of the members of the Presbyterian Church in the City of Saint John, and of other Churches established in the said Province, having relation with Presbyterian bodies in Great Britain and Ireland, but not being in connexion with the Established Church of Scotland, to be incorporated, to enable them to manage the temporal affairs of the said Churches, and to provide for certain matters in reference to the call and qualification of the Ministers and otherwise;—

Be it therefore enacted, &c.—1. The following persons, namely, Andrew Reed, James Dunn, Thomas Parks, John Hawks, and William E. Moore, together with the Elders of the said Church, namely, William Parks, Robert Ritchey, Robert Keady, and George Hutchinson, be and they are hereby declared to be Trustees for the said Church until the election and appointment of not more than nine other Trustees as hereinafter directed, and the above named Trustees and their successors, (the said nine Trustees and their successors to be chosen and appointed in manner hereinafter mentioned,) for ever shall be a body politic and corporate in deed and name, and shall have succession for ever by the name of [the words here omitted repealed by 12th V. c. 61, s. 1,] and by that name shall be enabled to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and places whatsoever within this Province, and shall have full power and capacity to purchase, receive, take, hold, and enjoy for the use and benefit of the said Church, as well goods and chattels, as lands, tenements, and hereditaments, and improve and use the same for the benefit of the said Church, according to their best discretion, and the true intent and meaning of the donors when the same shall be given, devised, or bequeathed to the use and benefit of the said Church; provided always, that the amount of annual rents, profits, and receipts of such lands, tenements, goods, chattels, and hereditaments, shall not exceed the sum of five hundred pounds, any law, custom, or usage to the contrary notwithstanding.

2. The lot of land on which the said Church is built, situate

at the corner of Great George and Carmarthen Streets, in King's Ward, in the said City of Saint John, together with the lot adjoining, fronting on Great George Street, which lots of land are at present vested in Trustees for the said Church, shall according to their full metes and boundaries, together with the said Church thereon erected, be and remain fully and absolutely vested in the said Trustees of the Saint John Presbyterian Church, in the City of Saint John, and their successors, for ever, as a good and absolute estate in fee simple, for the use, trust, and benefit aforesaid, and shall be so deemed and taken in all Courts of law and equity in this Province, any law, usage, or custom to the contrary in any wise notwithstanding, saving to all purchasers of pews in the said Church their present legal right therein and thereto, and saving the legal or equitable right of all other persons.

3. On the first Wednesday in June in each year for ever hereafter, a meeting of the persons then being proprietors of pews, or male communicants, shall be holden in the said Church; at which meeting, between the hours of twelve of the clock at noon and three of the clock in the forenoon, an election shall be made, to be determined by a majority of persons so being pewholders or male communicants, and entitled to vote, present at such meeting, of any number of persons not exceeding nine, nor less than five, being proprietors of pews, to be the Trustees of the said Church, for the purposes aforesaid, who shall forthwith, on the completion of such election, enter upon the duties of their office, and continue in the same for one year, or until other fit persons shall be chosen in their stead; provided that no person shall have more than one vote, although he may be proprietor of more than one pew, and if a pew or pews be owned by more than one person jointly or in common, there shall be but one vote given in respect of the said pew or pews so owned jointly or in common; and provided also, that no person shall be eligible to be elected a Trustee unless he be at the time of being so elected, a proprietor or owner of a pew and a male communicant of the said Church.

4. In case of any vacancy in the Ministry, or the expiration of any agreement made or to be made with any Minister for the said Church, the call or nomination of any candidate or candidates for the Pastoral charge of the said Church shall be

in the Elders and Trustees if such candidate or candidates shall be in British America, and the choice or rejection of such candidate or candidates shall be in the congregation, being male communicants, and including the said Elders and Trustees, or a majority of them present in person, or by their agent or proxy for that purpose appointed in writing; and if it shall be found necessary to call a Minister from any part of Great Britain or Ireland, then the arrangements for that purpose shall be solely vested in the Elders and Trustees of the said Church; provided always, that in either case, the Minister to be called shall be duly licenced by a Presbytery in Great Britain or Ireland, or British North America, who hold and subscribe the Westminster Standards, [the words here omitted are repealed by 12 V. c. 61, s. 2,] or the code of discipline at present used by the Presbyterian Church in Ireland; and provided also, that such Minister or Licentiate shall, when required so to do, furnish any Presbytery in this Province, within the bounds of his intended labours, with satisfactory certificates of his literary status and moral character before being allowed to connect himself with such Presbytery.

5. The Minister, Elders, and Deacons, and other officers of the said Church, shall be elected, chosen, and appointed, and have, hold, exercise, and enjoy their respective offices according to the usages and customs of the Presbyterian Churches in Scotland and Ireland, except so far as the same may be altered or abridged by this Act.

6. The said Trustees of the Saint John Presbyterian Church hereby incorporated, shall be held both at law and in equity bound for any engagement made by any former Trustees or other persons belonging to the said Church for the Minister's stipend, and such other expenses as may have been found necessary, and the same shall be paid by the said Corporation so as to relieve the said Trustees or other persons of the burthen of such engagement, and if the amount thereof shall happen to exceed the yearly income of the said Church and Corporation, the same shall be a burthen on the said Church and Corporation as such, and shall not make the said Trustees responsible in their individual and private capacity.

7. The Trustees in the several and respective Churches already erected within this Province, and also of all Churches

which may hereafter be erected in connexion with the [the words here omitted are repealed by 12 V. c. 61, s. 3,] shall, when elected, chosen, and appointed in manner and form as directed in and by this Act, be bodies politic and corporate in deed and name, and shall have succession for ever, by the name of the Trustees of the several and respective Churches to which they respectively belong; and this Act, and every clause, direction, authority, and power in the same contained, shall extend and be in force for all such Churches, in the same manner as if the said clauses, directions, and authorities were particularly re-enacted and applied to such Churches respectively; and all lands, tenements, and hereditaments conveyed or to be conveyed to and for the benefit of such Churches, shall be vested in the said several and respective Corporations, as fully and absolutely to all intents and purposes as the lands and Church mentioned in the second Section of this Act are hereby vested in the said [the words here omitted are repealed by 12 V. c. 61, s. 3]; provided always, that nothing in this Act contained shall extend to or affect, or be construed to extend to or affect any Church, lands, or tenements already vested in or belonging to any Corporation in connexion with the Established Church of Scotland.

12th VICTORIA—CHAPTER 61.

An Act in amendment of an Act intituled *An Act to provide for the Incorporation of certain Presbyterian Churches in this Province not in connexion with the Established Church of Scotland.*

Section.

1. Part of what Section of Act repealed, &c.
2. Part of another Section of Act repealed.

Section.

3. Part of another Section of Act repealed.

Passed 14th April 1849.

WHEREAS by the first Section of an Act passed in the tenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to provide for the Incorporation of certain Presbyterian Churches in this Province not in connexion with the Established Church of Scotland*, certain persons therein named, and their successors, to be chosen and appointed in manner in and by the said Act mentioned, are incorporated by the name of "The Trustees of the Saint John Presbyterian

Church in the City of Saint John, in connexion with the Presbyterian Church in New Brunswick, and not in connexion with the Established Church of Scotland:" And whereas the said Corporation are desirous that such name should be changed ;—

Be it therefore enacted, &c.—1. So much and no more of the first Section of the said recited Act as gives the name and designation to the said Corporation of " The Trustees of the Saint John Presbyterian Church in the City of Saint John, in connexion with the Presbyterian Church in New Brunswick, and not in connexion with the Established Church of Scotland," be and the same is hereby repealed ; and in lieu and place thereof, the said parties in said first Section mentioned, and thereby incorporated, and their successors, chosen and appointed, or to be chosen and appointed in the manner in and by the said Act mentioned and specified, shall for ever hereafter continue and be a body politic in deed and name, and shall continue to have succession for ever, by the name of " The Trustees of the Saint John Presbyterian Church in the City of Saint John, in connexion with the Presbyterian Church in New Brunswick, adhering to the Westminster Standards," and by that name shall be enabled to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and places in this Province, and shall have all other the powers, authorities, rights, and privileges given and granted by the said Act.

2. So much and no more of the fourth Section of the said Act as is contained in the words " and second Book of Discipline as at present recognized and adopted by the Established Church of Scotland," be and the same is hereby repealed ; and in lieu and in place thereof shall be substituted and taken as part of the said Section, the words " and Books of Discipline as at present recognized and interpreted by the Free Church of Scotland."

3. So much and no more of the seventh Section of the said Act as is contained in the words " Saint John Presbyterian Church in New Brunswick," where the same first occurs in the said Section, be and the same is hereby repealed ; and in lieu and in place thereof shall be substituted and taken as part of the said Section, the words " Presbyterian Church in New

Brunswick, adhering to the Westminster Standards :” and so much of the said Section as is contained in the words “ Trustees of the Saint John Presbyterian Church in the City of Saint John, in connexion with the Presbyterian Church in New Brunswick, not in connexion with the Established Church of Scotland,” be and the same is hereby repealed ; and in lieu and in place thereof shall be substituted and taken as part of the said Section, the words “ Trustees of the Saint John Presbyterian Church, in the City of Saint John, in connexion with the Presbyterian Church in New Brunswick, adhering to the Westminster Standards ;” and that in all and every other respects the said Act shall be and remain in full force and virtue.

7th VICTORIA—CHAPTER 7.

An Act to incorporate the Trustees of the Reformed Presbyterian Church in the City of Saint John, in connexion with the Reformed Presbyterian Synod of Ireland.

Section.

1. Incorporation of Trustees.
2. Property transferred to Corporation.
3. Annual meeting for election of Trustees.

Section.

4. Other Churches in connexion, how incorporated.

Passed 26th April 1850.

WHEREAS it appears to be the desire of the members of the Reformed Presbyterian Church in the City of Saint John, in connexion with the Reformed Presbyterian Synod of Ireland, that the Trustees, in whom certain property is vested for the use of the said Church, shall become incorporated, in order that they may more effectually hold the same for the purposes for which the same was originally designed ;—

Be it therefore enacted, &c.—1. The following persons, namely, George Russell, George Cothers, David Johnston, John McIntyre, together with the present Elders of the said Church, namely, John Armstrong, James Agnew, and Robert Ewing, be and they are hereby declared to be Trustees for the said Church, until the election and appointment of not more than seven other Trustees, as hereinafter directed ; and the above named Trustees (and the said Trustees and their

successors, to be chosen and appointed in manner hereinafter mentioned,) shall be a body politic and corporate in deed and in name, and have succession for ever, by the name of "The Trustees of the Reformed Presbyterian Church in the City of Saint John, in connexion with the Reformed Presbyterian Synod of Ireland," and by that name shall be enabled to use a common seal, to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and places whatsoever within this Province, and shall have full power and capacity to purchase, receive, take, hold, and enjoy for the exclusive use and benefit of the said Church, as well goods and chattels, as lands, tenements, and hereditaments, and improve and use the same for the benefit of the said Church; as also to sell, dispose of, and exchange the same according to their best discretion, for the like benefit; and also to hold the same according to the true intent and meaning of the donors, when such property shall be given, devised, or bequeathed to the said Trustees to the use and benefit of the said Church; provided always, that the amount of annual rents, profits, and receipts of such property shall not exceed the sum of five hundred pounds, any law, custom, or usage to the contrary thereof notwithstanding.

2. All estate, real and personal, of what nature or kind soever, at present vested in the present Trustees of the said Church, shall be on the passing of this Act fully and absolutely vested and remain in the Trustees hereinbefore named, and their successors, for ever, for the exclusive use, trust, and benefit aforesaid, saving the rights of such present Trustees and of Her Majesty, and other persons, bodies corporate and politic, or other claims or rights whatsoever.

3. On the first Wednesday in May in each and every year for ever hereafter, a meeting of the male communicants of the said Church may on that day be holden in the said Church, if deemed expedient, or in some other convenient place, at which meeting an election shall be made by ballot, to be determined by a majority of such communicants, of any number of persons (not exceeding seven, who shall likewise be communicants,) to be Trustees of the said Church, who shall forthwith, on the completion of such election, enter upon the duties of their office, and continue in the same until other fit persons shall be elected in manner aforesaid.

4. The Trustees in their several and respective Churches already erected within this Province, and also of all Churches which may be hereafter erected, in connexion with the Reformed Presbyterian Church of the City of Saint John, (the Trustees of which are hereby incorporated) shall, when elected in manner and form as directed by this Act, be bodies politic and corporate in deed and in name, and have succession for ever, by the name of the Trustees of the several and respective Churches to which they belong, and then this Act, and every direction and authority therein contained, shall extend and be in force in all such Churches in the same manner as if the same direction and authority were particularly re-enacted and applied to such Churches respectively.

14th VICTORIA—CHAPTER 13.

An Act to incorporate the Orthodox Congregational Church at Milltown, in the Parish of Saint Stephen.

Section 1.—Certain persons incorporated, name, &c.

Passed 28th March 1851.

Be it enacted, &c.—1. George M. Porter, William Todd, Junior, Henry F. Eaton, Joseph E. Eaton, Edward Foster, Daniel Tyler, James G. Kimball, William E. M'Allister, Joshua Allen, John M'Adam, Thomas Bowser, Stephen H. Hitchings, and such other male persons as are or may become members of the Church hereinafter named, being communicants in the same, be and they are hereby created and declared to be a body politic and corporate in deed and name, and shall have succession for ever, by the name of "The First Orthodox Congregational Church in Saint Stephen," and by that name shall be enabled to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in any Court or Courts of law or equity, or any other place whatsoever, and shall have full power and capacity to purchase, convey, receive, take, hold, and enjoy, for the use and benefit of the said Church, as well goods and chattels, as lands, tenements, and hereditaments, and improve and use the same for the benefit of the said Church, and shall have all the other

general powers and privileges not hereinbefore mentioned and contained, made incident to a Corporation by Act of Assembly of this Province; provided always, that the amount of annual rents, profits, and receipts of such lands, tenements, goods, chattels, and hereditaments, shall not exceed the sum of five hundred pounds.

16th VICTORIA—CHAPTER 5.

An Act for the incorporation of certain Bodies connected with the Wesleyan Methodist Church in New Brunswick.

Section.

1. Board of Trustees incorporated.
2. Ministers of District meeting incorporated.
3. Power of Trustees to hold land, &c.
4. District meetings to hold land.
5. Trustees, how appointed, for property conveyed for benefit of Church.
6. Trustees, &c., how to hold property.
7. Appointment of Trustees' successors, how recorded.

Section.

8. Bequests for Minister, how to be invested.
9. Rights of District meeting when transferred.
10. To what certain words shall extend.
11. Limitation of amount of property to be held by Trustees.
12. Same to be held by District meetings.

Passed 14th April 1853.

WHEREAS a number of persons in this Province are associated together in Classes, Societies, and Congregations, constituting a Religious Community known by the name of "The Wesleyan Methodist Church in New Brunswick," under the pastoral care and direction of Ministers of the Gospel in connexion with the British Conference, as known and defined by a certain deed, poll, or instrument in writing under the hand and seal of the Reverend John Wesley, bearing date on or about the twenty eighth day of February in the year of our Lord one thousand seven hundred and eighty four, and enrolled in Her Majesty's High Court of Chancery on or about the ninth day of March in the year last aforesaid; the Ministers and Members of which Church are in connexion with and are governed and directed by the rules and usages made or sanctioned from time to time by the said Conference: And whereas for the more beneficial and effectual exercise of pastoral supervision by the Ministers, and for the better and more effectual administration of the discipline of the Church, the Province, or part thereof occupied by such Ministers, is divided into Sections called Circuits; and the Classes, Societies, and

Congregations within each Circuit respectively, are placed from year to year under the pastoral care of one or more of the Ministers appointed to such Circuit by or by authority of the Conference, and one of whom so appointed to each Circuit is called the Superintendent thereof; and in each of such Circuits certain persons are from time to time appointed, according to such rules and usages, to the offices of Circuit Stewards, to assist in managing the financial affairs of such Circuits; and certain persons are from time to time appointed or recognized, according to such rules and usages, as Trustees of Chapels, or Mission Houses, or Burial Grounds, or other lands or property required for the use of the Church within the Circuits respectively: And whereas for the more convenient regulation of the affairs of the Church, a number of such Circuits are associated together by authority of the said Conference, and every such association of such Circuits is called a District, and a yearly assembly of the Ministers in every such District is held, and called "The District Meeting of ———," the business of which is generally presided over by one of the Ministers who is called the Chairman of the District and the general Superintendent of Missions therein, and who is appointed to his office by the Conference: And whereas it is necessary that greater facilities should be enjoyed by the Church for holding, possessing, and using lands and other property for the support of public worship, and for the propagation of christian knowledge, and for the constituting and managing of the funds and institutions for the several and general religious and benevolent objects of the Church: And whereas at sundry times heretofore, lands and other property have been conveyed by devise, or by deeds of gift, or by deeds of bargain and sale, or by other deeds or instruments, to the Church officers, or other parties named or signified in such deeds or instruments or devises, in trust for the use and benefit of the Church, some of which deeds or instruments or devises are defective, as not containing necessary directions for the appointment of successors for the trusts respectively created, or as being in other respects not accordant with such rules and usages, from which defectiveness inconveniences have arisen or are liable to arise, which it is necessary to remedy, and in the future to prevent;—

Be it therefore enacted, &c.—1. Each Board of Trustees of any Chapel, Mission House, Burial Ground, School House, or other property held in trust for the use and benefit of such Church in connexion with the said Conference, and their successors, and each Board of Trustees to be hereafter appointed, according to the rules and usages for such purposes, and their successors, shall be a body corporate, having perpetual succession, by the name of “The Trustees of the Wesleyan Chapel,” or Burial Ground, or other property, as the case may be, in the place in which the trust property shall be situated, or by such other name as is or shall be mentioned in the trust deed or other act or instrument by which the trusts respectively are or shall be created.

2. The Wesleyan Methodist Ministers now constituting any such District Meeting, and their successors, and any others who shall be hereafter, by authority of the Conference, constituted a District Meeting, and their successors, shall be a body corporate, having perpetual succession, by the name of “The District Meeting of the —— District,” as the case may be.

3. Each and every of the Corporations of Trustees hereby constituted or to be hereafter constituted by virtue hereof, shall be capable of taking, holding, and possessing lands, tenements, moneys, and other property heretofore conveyed to them, or which shall be hereafter conveyed for the use and benefit of such Trusts respectively, and of suing and being sued in any of Her Majesty’s Courts of law or of equity, and shall have and exercise all the rights, powers, and privileges incident to a body corporate, according to the laws of this Province; and lands and other property that have been or shall be granted, given, or devised for the use of the Church, shall be held to be vested in the District Meeting Corporation, or to be vested in special trust under the corporate authority hereinbefore created, accordingly as by the known and established general rules and usages of the Wesleyan Society such lands and property ought to be subjected to the management of the one trust or the other.

4. The District Meeting hereby incorporated, and such District Meetings as shall hereafter be constituted, shall be capable of taking, holding, and possessing lands, tenements, moneys, and other property for the use and benefit of such

Church in connexion with the Conference, or of any portion thereof, or for the establishment of any funds or institutions which are now or may be hereafter required for the purposes of the Church, or of any portion thereof, or for the purposes of the Conference, and shall have authority respectively, and from time to time to make laws and regulations for the due management of such funds and institutions, not at variance with the laws of this Province, and of suing and being sued in any of Her Majesty's Courts of law or of equity, and shall have and exercise all the rights, powers, and privileges incident to a body corporate, according to the laws of this Province.

5. When in any case any lands, tenements, moneys, or other property, or any right or interest therein, or use thereof, shall have been given or conveyed, or intended to be conveyed, or shall hereafter be given or conveyed, or intended to be given or conveyed, by grant or devise or otherwise, in trust for the use and benefit of such Church, or of any portion thereof, and no proper provisions have been or be made for the appointment of Trustees or of successors in the Trust, or such provisions have been or shall be made as are not in accordance with such rules and usages, or a vacancy or vacancies in the Trust shall have been or shall be occasioned by death or otherwise, which vacancy or vacancies shall not have been duly filled by the appointment of a successor or successors before the passing of this Act, in any such case now existing the Superintendent of the Circuit in which such Trust existed, or if the property be in a place where no Circuit extends, then the Chairman of the District, shall within twelve months after the passing of this Act, and in any such case hereafter arising shall as soon as convenient, cause the requisite number of Trustees, or of successors to the former Trustees, to be duly appointed according to such rules and usages; and the Trustees and their successors so duly appointed, and their successors from time to time thereafter so duly appointed, shall be the proper and lawful Trustees of the Trusts respectively, and shall have and exercise all the rights and powers and privileges pertaining to such Trustees, according to the rules and usages, and with the corporate privileges and authority which are conferred or are intended to be conferred on the Trustees by this Act.

6. The Trustees and District Meetings hereby incorporated, or authorized to be hereafter incorporated, and their successors, shall hold and exercise the rights, powers, and privileges connected with their respective Trusts, in accordance with the rules and usages from time to time passed or established by or by authority of the Conference.

7. The Trustees of any land held or to be hereafter held for a Chapel, or for a Mission House, or Burial Ground, or School House, or other building for the use of such Church, or any portion thereof, shall keep a Book of Records, in which shall be duly entered according to the rules and usages, the appointment of any successor or successors in the Trust; and the person or persons so appointed shall be entitled, in conjunction with the then surviving or remaining Trustees, to hold and possess the lands and all the appurtenances thereof, without any deed of conveyance or assignment being made to them; and the production of such entry in the Book of Records, or a duly authenticated copy thereof, shall be sufficient evidence of the appointment of such successor or successors in any of Her Majesty's Courts of law or equity, and of his or their possession of co-ordinate rights and privileges with other Trustees from the time of the appointment of such successor or successors respectively.

8. Any real or personal property or sums of money which have heretofore or may hereafter be devised or bequeathed for the support of the Minister of any Circuit, or for any other purpose connected therewith, shall be deemed to be and shall be vested in and payable to the Circuit Steward of such Circuit for the time being, or his successor, whose duty it shall be to dispose of and appropriate the same, with the concurrence and under the directions of the District Meeting, so as nevertheless at all times to give full effect to the wishes and intentions of the testator.

9. If at any time after the passing of this Act a Conference of Wesleyan Ministers shall be, by the authority of the Conference hereinbefore mentioned, organized in the Province, then all the rights, powers, and privileges by this Act granted to the District Meeting or District Meetings shall be thenceforward vested in the Conference which shall be so organized; and the lands, tenements, moneys, or other property at such

time held by the District Meeting or District Meetings, shall become the property of the Conference in this Province, for the same use and benefit for which they shall have been previously received and held by the District Meeting or District Meetings under the authority and provisions of this Act.

10. After the organization of a Conference in this Province, the words "rules and usages" in this Act shall be held to refer to such rules and usages as shall thenceforward be made or sanctioned by the Conference in this Province.

11. The annual value of lands held by any Board of Trustees incorporated hereunder, shall not exceed at any time the sum of sixty pounds, exclusive of lands and premises held for Chapels, Mission Houses, and Burial Grounds.

12. The annual value of lands held by any District Meeting shall not exceed the sum of one thousand pounds; and further the annual aggregate value of the lands to be owned by the several Districts, or by the said Conference when incorporated, shall not exceed at any one time three thousand pounds.

17th VICTORIA—CHAPTER 47.

An Act to incorporate certain Bodies connected with the Free Baptist Church in New Brunswick.

Section.

1. Corporation of Conference, how constituted.
2. First meeting, when held.
3. Corporation of Meeting Houses, how constituted.
4. Election of Trustees.

Section.

5. Who to vote at such election.
6. Board of Trustees, how to act.
7. Lands, how to be held.
8. To whom conveyance to be made.
9. Annual revenue, to what amount.

Passed 1st May 1854.

WHEREAS a number of persons in this Province are associated together in Churches constituting a religious community known as "The Free Christian Baptist Church of New Brunswick," in connexion with and under the supervision of "The Free Christian Baptist General Conference of New Brunswick," constituted and governed by the rules made by the said Conference, composed of all the ordained Elders and Licentiates of the said Church in New Brunswick, and two Lay Delegates from each District meeting, into which the Province may at any time be divided by the said Conference,

with the Clerk of every meeting, and the Treasurer and Clerk of the Conference, and such other persons in connexion with the said Church as the Conference may invite to attend, and the business of which Conference is presided over by a Moderator annually elected from the ordained Elders: And whereas a Newspaper is published under the authority of the said Conference, and it is also possessed of considerable other property, real and personal, and various parcels of land have been conveyed in trust for the said Church, and Meeting Houses have been built thereon, and serious inconveniences have arisen in the holding and transmission of the said lands, and the management of their property, from the difficulty of appointing new Trustees on the occurrence of vacancies; and it is believed that the incorporation of the said Conference and the several Churches respectively, would greatly simplify the management of their temporal concerns, and advance the several benevolent and religious objects of the said Church, and promote its spiritual interest;—

Be it therefore enacted, &c.—1. Elders Samuel Hartt, Edward Wayman, Joseph Noble, Elijah Sisson, Charles M'Mullin, John G. Flanders, George Orser, Alexander Taylor, Benjamin Merritt, Jacob Gunter, John Perry, Ezekiel Sippril, Ezekiel M'Leod, John Wallace, William E. Pennington, Robert Colpitts, Jonathan Shaw, Robert French, and Peter Malloch; Licentiates Robert Dobson, and Jonas Fitzherbert, Daniel Turner, George Maxou, William Slipp, Junior, Daniel Clark, William Peters, Edwin R. Parsons, James Jones, Nathaniel Gray, Solomon Smith, David Ebbitt, John S. Colpitts, John Machum, George M'Gready, and Benjamin J. Underhill, now constituting "The Free Christian Baptist General Conference of New Brunswick," their associates and successors, shall by that name be a body politic and corporate in deed and in name, with full power to sue and be sued, to purchase, receive, and hold grants of real and personal estate, and to improve the same, and sell, assign, and dispose thereof, and receive the rents and profits for the use of the said Church and Conference according to the intention of the donors, and to have a common seal with power to break or renew the same at pleasure, and to make bye laws, and appoint officers for the management of any funds, institutions, and objects connected

with the said Church, and to regulate the mode of constituting and the government of the said Conference.

2. The first meeting of the said Corporation shall be held on the first Saturday in July next at the Long Island Church, in the Parish of Hampstead, in the County of Queen's, when the Corporation shall be deemed organized; seven ordained Elders and six Lay Delegates from the different Districts shall be a quorum for the transaction of the business of the Conference, but any less number may adjourn.

3. The Trustees of every Meeting House in connexion with the said Conference, shall be a body politic and corporate by the name of "The Trustees of the Free Christian Baptist Church of ———," according to the particular designation thereof, and by that name shall have perpetual succession, power to sue and be sued, a common seal with power to break or renew the same at pleasure, power to hold and receive real and personal estate, and improve, sell, or assign the same, and make bye laws, and exercise all the corporate powers conferred by law, for the purpose of managing the temporal affairs of such Meeting House.

4. Every Church may annually, at such time as the Conference shall prescribe, elect any number not less than three nor exceeding five Trustees, being members of the said Church, who shall continue in office for one year, or until others are elected in their stead.

5. Every male person of the age of twenty one years or upwards, being a communicant of such Church, or a regular attendant at the worship in the Meeting House where such Church is organized, who contribute towards the funds of the Church such sum as the Conference shall prescribe, shall be entitled to vote at the election of Trustees.

6. Every Board of Trustees incorporated under the authority of this Act, shall exercise their powers and privileges according to the usage and rule prescribed by the Conference; but at least three Trustees shall form a quorum for the transaction of business, and no bye law shall be made repugnant to law.

7. All lands conveyed in trust to the Free Christian Baptist Church, and buildings erected thereon, shall be subject to the provisions of this Act, whenever a Board of Trustees to manage the same is elected in the manner herein provided, and a con-

veyance of the same shall be executed by the then existing Trustees, and the title thereto shall be held by them in the same manner as conveyed by the original deed ; this provision shall not interfere with the right of the Conference to the exclusive control of any land conveyed to the Conference.

8. No conveyance, gift, or bequest made to the Free Christian Baptist Church shall be deemed to be made to the Conference, unless such Conference is expressly named in the instrument of transfer.

9. The annual revenue derived from the rent of lands held by the Conference shall not exceed six thousand pounds, and of any Board of Trustees five hundred pounds.

EDUCATION.

60th GEORGE 3rd—CHAPTER 6.

An Act to confirm the Charter of the Madras School in New Brunswick, and to extend the powers of the Governor and Trustees of the same.

Section.

1. Charter declared valid.

Section.

2. Special Meetings, where may be held.

Passed 20th March 1820.

WHEREAS by His Majesty's Royal Charter, or Letters Patent under the Great Seal of this Province, bearing date the twenty third day of August in the year of our Lord one thousand eight hundred and nineteen, and in the fifty ninth year of His Majesty's Reign, a Corporation was erected and created, with perpetual succession, by the name of "The Governor and Trustees of the Madras School in New Brunswick," with certain powers, rights, and privileges, as are in the same Royal Charter or Letters Patent expressed and contained ;—

Be it therefore enacted, &c.—1. The same Charter or Letters Patent be and the same are hereby declared to be good, valid, perfect, authentic, and effectual in the law, and shall stand and be taken, reputed, deemed, and adjudged good, perfect, sure, available, authentic, and effectual in the law, according to the tenor and effect of the same Charter or Letters Patent ; and the same be and are to all intents and purposes hereby ratified and confirmed.

2. And whereas in and by the said Charter or Letters Patent it is declared, "that it shall be the duty of the said Governor and Trustees of the Madras School in New Brunswick, (among other things) to hold and keep the Central School always in the City of Saint John, and to extend the benefits of the institution to every other part of the Province, from time to time, and as often as the funds and means of the said Corporation will enable them so to do :—" And whereas provision may hereafter be made for the establishment of branches of the said Provincial School, to be held and kept at the Seat of Government of the said Province, in Fredericton, and other parts of the Province ;—Special meetings of the same Governor and Trustees of the Madras School in New Brunswick, may be

summoned and held in the manner as pointed out in and by the said Charter and Letters Patent, at the said Seat of Government of the said Province, solely for the regulation and government of any such other Schools as may hereafter be established in the Province, under the direction of the said Governor and Trustees of the Madras School in New Brunswick; at which said special meetings the Clerk and Treasurer of the said Corporation may severally attend, either in person or by deputy, as they shall from time to time find the same to be convenient.

6th WILLIAM 4th—CHAPTER 53.

An Act to enable the Governor and Trustees of the Madras School to dispose of certain parts of their lands.

Section.

1. Wilderness lands, how disposed of.
2. Proceeds, how invested.

Section.

3. Leases, how renewed.

Passed 16th March 1836.

WHEREAS the Governor and Trustees of the Madras School in New Brunswick are seized and possessed of divers wilderness and uncultivated lands in this Province, and it is expedient when it would be for the benefit of the institution that they should have power to sell and dispose of the same, and to invest the proceeds in manner hereafter mentioned;—

Be it enacted, &c.—1. Whenever it shall appear to the said Governor and Trustees to be clearly for the benefit and advantage of the institution to sell and dispose of any of their wilderness and uncultivated lands in any part of the Province, or to sell any timber growing on such lands, they shall be and are hereby authorized and empowered so to do; and any sale and conveyance thereof, or of any part thereof, in fee simple or otherwise, made under the seal of the said Corporation, shall be good and valid, any law or usage to the contrary notwithstanding.

2. All the moneys and proceeds arising from such sales shall be invested and laid out by the said Governor and Trustees in the purchase of other lands for the purposes of the institution, or shall be put and kept out at interest upon good and sufficient landed securities, and the annual income and interest arising therefrom be applied by the said Governor and Trustees to and

for the purposes of the institution ; provided always, that when any land shall have been granted or conveyed to the said Governor and Trustees for the use or benefit of any particular school or schools, the proceeds thereof shall be invested or the interest applied for the use and benefit of such particular school or schools.

3. Any lease made by the said Governor and Trustees of any of their lands, tenements, and hereditaments for any term not exceeding twenty one years, may be made with such covenant or covenants for the renewal of the same as the said Governor and Trustees may think for the advantage of the institution, and may agree upon with the person or persons who may take such lease ; and good and valid leases of any land leased with such covenants of renewal therein, may be made under the seal of the said Corporation, any law or usage to the contrary notwithstanding.

7th WILLIAM 4th—CHAPTER 30.

An Act to enable the Governor and Trustees of the Madras School to sell certain land in Fredericton.

Section.

1. School lot in Fredericton, how disposed of.

Section.

2. Application of proceeds.

Passed 1st March 1837.

WHEREAS the Governor and Trustees of the Madras School in New Brunswick are seized and possessed of a certain lot of land situate in the Town of Fredericton in the County of York, fronting on King Street in the said Town, heretofore conveyed to them in two separate parcels by Joseph Gaynor, on which said lot a school house has been erected and now stands : And whereas the said school house is found to be inadequate and inconvenient for the purposes of the Madras Schools in the said Parish ; and in order to raise money either for enlarging the said school house or for erecting a new building or buildings for the purposes of the said schools as may be found expedient, it is desirable that the said Governor and Trustees should be empowered to sell and dispose of a part of the said lot ;—

Be it enacted, &c.—1. The Governor and Trustees of the Madras School in New Brunswick be and they are hereby authorized and empowered to sell and dispose at public auction,

thirty days previous notice of such auction, stating the time and place thereof, being first given in the Royal Gazette, of such part or parts of the said lot as they shall deem expedient, including the said school house, if they shall judge it advisable, for such price and prices as they may be able to get therefor; and any conveyance of any part of the said lot made under the seal of the Corporation, in pursuance of any such sale, shall be good and valid, any law or usage to the contrary notwithstanding; provided always, that the said Governor and Trustees shall retain a part or parts of the said lot sufficient for the adequate and convenient accommodation of the Madras Schools in the said Parish of Fredericton.

2. The moneys arising from any such sale shall be applied and disposed of by the said Governor and Trustees either for the purpose of enlarging the present school house or else for the purpose of erecting one or more buildings on the part of the said lot which they shall retain, as the said Governor and Trustees shall in their discretion deem most for the advantage of the said institution.

8th WILLIAM 4th—CHAPTER 8.

An Act to remedy the failure of the annual Courts or Meetings of the Corporation of the Madras School in this Province.

Section.

1. Day for holding Court for the year, how appointed.

Section.

2. On failure how appointed.

Passed 22nd July 1837.

WHEREAS the annual Court or Meeting of the Corporation of the Governor and Trustees of the Madras School in New Brunswick hath failed on the first Tuesday in July in the present year, by reason of a sufficient number of members not having been present;—

Be it enacted, &c.—1. The Lieutenant Governor or Commander in Chief may appoint another day for the said annual Court or Meeting of the said Corporation for the present year, and upon ten days notice of such appointment being given in one or more of the public Newspapers published in the City of Saint John, such annual Court or Meeting may be convened and held at the City Hall of the said City on the day so to

be appointed therefor; and the said Governor and Trustees, or any five or more of them, being then and there assembled, shall form the legal annual Court or Meeting of the said Corporation for the present year, and shall have power to do, execute, and perform all such matters and things as may or ought to be done at the annual Court or Meeting prescribed in the charter of the said Corporation, and also to adjourn from day to day as the business of the said Corporation may require.

2. In case of a like failure of the annual Court or Meeting of the said Corporation in any future year, the like proceedings in all respects may be had as are hereinbefore prescribed for the present year.

14th VICTORIA—CHAPTER 12.

An Act to authorize the Governor and Trustees of the Madras School in New Brunswick to sell and dispose of certain lands in the City of Fredericton, and for other purposes.

Section.

1. Sale of lots in Fredericton authorized, &c.

Section.

2. Additional Trustees appointed in Saint John; vacancies, &c.

Passed 28th March 1851.

WHEREAS in consequence of the destruction by fire of the Madras School House, in the City of Fredericton, it has become necessary to sell and dispose of a part of lots numbers eighty five and eighty seven, situate in King Street, in the City of Fredericton, for the purpose of procuring funds to aid in rebuilding another School House;—

Be it therefore enacted, &c.—1. The Governor and Trustees of the Madras School in New Brunswick be and they are hereby authorized to sell and dispose of by public or private sale, any part of the lots numbers eighty five and eighty seven, which are situate in King Street, in the City of Fredericton, for such price or prices as they may be able to obtain for the same, and for that purpose to make and execute to the purchaser or purchasers good, legal, and sufficient conveyances of the same in fee, any former law to the contrary thereof notwithstanding; and the money arising from such sale shall be paid and applied by the said Governor and Trustees towards the building of a Madras School House in the City of Fredericton, and to no other purpose whatsoever.

2. It shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to appoint five fit persons, being inhabitants of the City of Saint John, additional Trustees of the Board of the Governor and Trustees of the Madras School in New Brunswick; and in case of any vacancy occurring by the death, removal, or resignation of any of the said five Trustees, the said Governor and Trustees, at any meeting of the said Corporation, shall elect another fit person, being an inhabitant of the said City, to fill such vacancy, who being approved of by the Lieutenant Governor or Administrator of the Government for the time being, shall be one of the Trustees of the said Corporation; and every other vacancy in the said non-official members of the said Board so to be appointed under this Act, shall be filled from time to time in the same manner.

12th VICTORIA—CHAPTER 65.

An Act to incorporate the Trustees of the Wesleyan Academy, at Mount Allison, Sackville.

Section.

1. Trustees of Academy incorporated.
2. First meeting, when held.
3. Who to constitute Corporation after first meeting.
4. Annual meeting, when held.
5. Extraordinary meetings, how called.
6. Quorum, for business.

Section.

7. Power to appoint, &c. Principal.
8. Meetings, how constituted.
9. Officers, by whom appointed.
10. What real estate vested in Corporation.
11. Religious doctrines, what not allowed.
12. Annual value of lands limited.

Passed 14th April 1849.

WHEREAS Charles F. Allison, of Sackville, in the County of Westmorland, in the Province of New Brunswick, Esquire, for the purpose of founding and establishing an Academy for the instruction of youth in the various branches of science and literature upon christian principles, did by indenture bearing date the twenty sixth day of May in the year of our Lord one thousand eight hundred and forty, grant to William Temple, Sampson Busby, and Enoch Wood, Wesleyan Missionaries of the New Brunswick District, five acres and twenty five perches of land, more or less, situate in the said Parish of Sackville, and particularly described in the said indenture, upon trust, that the said William Temple, Sampson Busby, and Enoch Wood, or the survivor of them, or the heirs, executors, and

administrators of such survivor, should execute such further conveyance thereof to such person and upon such trusts as might be agreed upon and appointed by the British Wesleyan Methodist Conference, and signified in writing to the said William Temple, Sampson Busby, and Enoch Wood, or the survivor of them, or the heirs, executors, or administrators of such survivor; and the said Charles F. Allison did also give and expend a large sum of money to promote his said benevolent purpose: And whereas buildings have been erected on the said lot of land now called Mount Allison, by means of the said gift and the contributions of other piously disposed and benevolent individuals, and the said Academy has been organized and established, and is now in efficient operation: And whereas it is believed that the incorporation of the said Academy will more effectually promote the benevolent designs of its founder, and tend to a larger diffusion of its benefits, by simplifying the management thereof: And whereas the Missionary Committee of the British Wesleyan Conference having charge of the Missions established and maintained under the authority of the said Conference, have signified their assent to the incorporation of the said Academy, and to the assumption by the said Corporation of the lands and premises aforesaid, without any formal conveyance thereof;—

Be it therefore enacted, &c.—1. The Reverend Richard Knight, Chairman of the New Brunswick District of Wesleyan Ministers, the Reverend William Temple, Secretary of the said District, the Reverend Ephraim Evans, Chairman of the Nova Scotia District of Wesleyan Ministers, the Reverend Thomas H. Davis, Secretary of the said District, Charles F. Allison, of Sackville, Esquire, John Owen, of Saint John, Esquire, Martin G. Black, of Halifax, Nova Scotia, Esquire, Ralph Brecken, of Charlotte Town, Prince Edward Island, Esquire, and the Reverend Humphrey Pickard, of Sackville, the Principal of the said Institution, their associates, successors, and assigns, be and they are hereby declared to be erected into and created a body politic and corporate by the name of “The Trustees of the Wesleyan Academy at Mount Allison, Sackville,” and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of supporting and

maintaining the said Academy, and for carrying on, conducting, and managing the same.

2. The first meeting of the said Corporation shall be held at Sackville, after fifteen days notice thereof published in the Royal Gazette; which notice shall be given by the Reverend Richard Knight, or in case of his death, neglect, or refusal to give such notice, then by any other person incorporated by this Act; and such meeting so holden, shall be adjourned from day to day till the business required to be done thereat is completed.

3. After the first meeting of the said Corporation, the said Corporation shall consist of the Chairman of the New Brunswick District of Wesleyan Ministers for the time being—the Secretary of the said District for the time being—the Chairman of the Nova Scotia District of Wesleyan Ministers for the time being—the Secretary of the said last mentioned District for the time being—the Chairman and Secretary of each and every District of Wesleyan Ministers for the time being, into which the Provinces of New Brunswick, Nova Scotia, and the Island of Prince Edward may be divided by and under the authority of the British Conference of Wesleyan Methodist Ministers, originally established by the Reverend John Wesley, A. M.—the Principal of the said Academy for the time being—and two laymen to be selected annually by each of the Districts of Wesleyan Ministers into which the Provinces of New Brunswick, Nova Scotia, and the Island of Prince Edward are now or may at any time hereafter be divided, by the authority of the aforementioned Conference, the appointment of which laymen shall be duly certified by the Chairman of the District for which they may be respectively appointed, and such Certificate shall be countersigned by the Secretary of the said District; and the said members of the said Corporation shall be the Trustees of the said Academy, and as such Trustees the Governors thereof; provided always, that in case the election of the said lay members of the said Corporation, or either of them, be omitted by the said District meetings, or either of them, it shall and may be lawful for the lay members of the previous year to remain and continue in office during the following year, and until their successors shall be duly elected by the said District meetings as aforesaid.

4. A meeting of the said Corporation shall be annually holden

on the third Saturday in June in each and every year, in or near the said Academy in Sackville.

5. Any two of the members of the said Corporation shall have power, at any time after fifteen days notice, to call extraordinary meetings of the said Corporation, specifying in such notice the time and object of such meeting, which meeting shall be holden in or near the said Academy at Sackville, and no business shall be done thereat other than what is specified in such notice.

6. Six members of the said Corporation shall form a quorum for the transaction of business, but any less number may adjourn from time to time till a full attendance can be obtained, and in no case shall any corporate act or vote be binding unless it is assented to by at least four members of the said Corporation.

7. In the event of the death, resignation, or removal from office of the Principal of the said Academy, the surviving members of the said Corporation shall have power to appoint a Principal, and whenever they may consider the interest of the said Academy requires it, may remove the Principal from office; provided that in all such cases a majority of the members of the Corporation for the time being shall agree to such appointment or removal.

8. At all meetings of the said Corporation the members present shall be deemed to constitute a Board, and the Chairman of the New Brunswick District of Wesleyan Missionaries shall preside thereat; and in case of his sickness, or other necessary absence, the members present shall elect a Chairman.

9. The said Corporation shall have power to appoint a Treasurer, Secretary, and such other officers and servants as they may from time to time deem necessary for carrying on the financial, educational, and other departments of the said Academy, and allow them such compensation for their respective services as they may deem advisable.

10. On the organization of the said Corporation at the first meeting thereof to be holden in the manner provided by the second Section of this Act, the said Corporation shall be deemed to be fully vested with the title and possession, and fully and legally seized of the said piece or parcel of land conveyed in the said indenture bearing date the twenty sixth day of May in the year of our Lord one thousand eight hundred and forty,

without any formal transfer or conveyance thereof from the Trustees mentioned in the said indenture, as fully and effectually to all intents and purposes as if it had been conveyed to the said Corporation by the said Trustees according to the terms and provisions in the said indenture mentioned.

11. No person shall teach, maintain, promulgate, or enforce any religious doctrine or practice in the said Academy or any department thereof, or in any religious services held upon the said premises, contrary to what is contained in certain Notes on the New Testament, commonly reported to be the Notes of the said Reverend John Wesley, A. M., and in the first four Volumes of Sermons commonly reputed to have been written and published by him.

12. The annual value of the lands, tenements, and hereditaments which the said Corporation may at any time hold shall not exceed the sum of one thousand pounds.

13th VICTORIA—CHAPTER 2.

An Act to settle certain doubts raised under the last Will and Testament of Mark Varley, late of the City of Saint John, Brickmaker, but now deceased.

Section.

1. Property devised, in whom vested.

Section.

2. Trustees to hold same.

Passed 26th April 1850.

WHEREAS Mark Varley, late of the City of Saint John, in the City and County of Saint John, Brickmaker, did on the fourth day of October one thousand eight hundred and forty nine, make and publish his last Will and Testament, whereby, *inter alia*, he did devise and bequeath in the words or to the effect following, that is to say :—

“I give, devise, and bequeath all my share and interest in the vessel called the “El-Dorado,” owned by Michael Thompson and myself, to the Trustees of the Wesleyan Methodist Church in the City of Saint John, for the establishment and maintenance of a Day School: a School House to be built out of the moneys arising from my share, but not to exceed in the cost of the erection thereof the sum of two thousand pounds currency, unless such additional cost be raised by contributions from other parties, or by other means: the said School House

to be built of brick or stone: the remainder of the moneys arising from my said share in the said vessel to go to the support of the School establishment, and the payment of the Teachers: the said establishment and School House to be built and maintained in the City of Saint John. It is my wish, however, that the said vessel should be run until it suits the said Michael Thompson's convenience that she be sold: he accounting and paying over to the Trustees of the said School establishment hereby created, and their successors, the proceeds of my share of the said vessel, as earned, to be by them invested in undoubted security on lands, or Government Stocks bearing six per cent. interest, and added to the funds arising from the sale of my said share, when sold. It is my wish, however, that the erection of the School House, and the establishment of the School, should be commenced as soon as sufficient funds are in hand; but until sufficient are in hand, to be invested as aforesaid. And it is also my wish that similar investment should be adopted for all moneys hereby bequeathed by me for the purpose aforesaid, after paying for the erection of the said School House and the necessary expenses attendant upon carrying out the objects of this bequest.

“ My lot of land and premises in Dock Street, in the City of Saint John, I hereby devise and bequeath to the said Trustees of the Wesleyan Methodist Church, and their successors, to and for the School establishment above created, subject nevertheless to the payment of the rents arising therefrom to my Brother, John Varley, residing in Hull, Yorkshire, England, during his natural life. It is my Will and Testament, that in case there should be any incompetency in the parties hereinbefore named as Trustees, to accept and carry out the trust for the said School hereby created, then I devise and bequeath the several properties and estates, both real and personal, hereinbefore devised and bequeathed for the purpose aforesaid, to such body or bodies belonging to the Wesleyan Methodist Church in the City of Saint John, and their successors, heirs, or assigns, as will be competent to accept and carry out such trust; and that in case any question thereabout should arise, then and until the same should be determined, it is my wish that my executors hereinafter named should receive, collect, and invest the funds herein for that purpose devised, in the

manner before provided, and pay over the same, with all accumulation thereof, to the party or parties entitled to receive the same, and for the purpose aforesaid. I do give, devise, and bequeath my lot of land and freehold property in Lower Cove, in the City of Saint John, together with the buildings and improvements thereon, to the Trustees of the School Fund hereinbefore created, to and for the purposes of the said School, and subject to the trusts for the same created :”

And did nominate and appoint Thomas Parks, of the City of Saint John, Merchant, and William F. Smith, of the same place, Mason, executors of his said Will: And whereas the said Mark Varley has departed this life: And whereas the said Will was duly executed according to the Laws of this Province for passing real and personal estate, and the same has been duly proved, and is now on file in the Office of the Registrar of Probates for the City and County of Saint John: And whereas the executors of the said estate are anxious to carry out the provisions of the said Will, but doubts have been raised as to the identity of the Trustees named in the Will, and those actually in existence in the City of Saint John, and of the ability of such Trustees and their successors to take said property, without the intervention and aid of the Court of Chancery or the Legislature: And whereas it is expedient that such doubts should be disposed of, and the said trust estate saved from the expenses of a suit in equity, and the charitable intentions of the testator carried into effect with as little delay as possible: And whereas Gilbert T. Ray, George A. Lockhart, George Whittaker, John B. Gaynor, Edward E. Lockhart, David Collins, Richard Whiteside, Senior, Henry Whiteside, Edward T. Knowles, James Smith, Richard W. Thorne, Edward Lloyd, Daniel J. McLaughlin, William Till, Aaron Eaton, George P. Sancton, William A. Robertson, John Gardner, Michael Thompson, Colin E. Cross, Robert Salter, Isaac Olive, James Olive, William Beattie, G. B. Vaughan, J. J. Clarke, Zachariah Adams, Benjamin Tibbits, William O. Theal, Thomas Thompson, and John Jordan, now are the Trustees of the Wesleyan Methodist Church in the City of Saint John, in connexion with the British Conference, and the Trustees contemplated and intended by the said testator, Mark Varley, in his said last Will and Testament, and they have

been duly appointed under the provisions of the respective deeds of trust of the several Wesleyan Chapels in the said City;—

Be it therefore enacted, &c.—1. The said Gilbert T. Ray, George A. Lockhart, George Whittaker, John B. Gaynor, Edward E. Lockhart, David Collins, Richard Whiteside, Senior, Henry Whiteside, Edward T. Knowles, James Smith, Richard W. Thorne, Edward Lloyd, Daniel J. M'Laughlin, William Till, Aaron Eaton, George P. Sancton, William A. Robertson, John Gardner, Michael Thompson, Colin E. Cross, Robert Salter, Isaac Olive, James Olive, William Beattie, G. B. Vaughan, J. J. Clarke, Zachariah Adams, Benjamin Tibbits, William O. Theal, Thomas Thompson, and John Jordan, now being the Trustees of the said Wesleyan Methodist Church in the City of Saint John, in connexion with the British Conference, appointed as hereinbefore recited, and their successors being in like manner duly appointed, are hereby declared to be vested with the said property, real and personal, so hereinbefore recited to have been devised upon the Trusts, and subject to the provisions, stipulations, and conditions in said Will contained, and the same shall be so held by them so long as they shall so continue to be such Trustees, and their successors to be duly appointed as hereinbefore recited, for ever; saving nevertheless, the rights of Her Majesty, and of all persons, heirs, executors, devisees, legatees, creditors, bodies corporate, and others of, in, and to the said property hereinbefore mentioned to have been devised and bequeathed.

2. The said Gilbert T. Ray, George A. Lockhart, George Whittaker, John B. Gaynor, Edward E. Lockhart, David Collins, Richard Whiteside, Senior, Henry Whiteside, Edward T. Knowles, James Smith, Richard W. Thorne, Edward Lloyd, Daniel J. M'Laughlin, William Till, Aaron Eaton, George P. Sancton, William A. Robertson, John Gardner, Michael Thompson, Colin E. Cross, Robert Salter, Isaac Olive, James Olive, William Beattie, G. B. Vaughan, J. J. Clarke, Zachariah Adams, Benjamin Tibbits, William O. Theal, Thomas Thompson, and John Jordan, so long as they shall continue to be such Trustees, and their successors, are hereby declared to be the Trustees under the said Will, and as such, vested with the said trust property, real and personal,

and all accumulations thereof, and all and every other property, real and personal, that may at any time or times hereafter be given, devised, or granted to them, or purchased by them, or which may or ought in any way come to their hands to be applied in aid of or in addition to such trust fund; and the said executors of the said estate are hereby authorized and empowered to hand over to the said Trustees as aforesaid, all the property, real and personal, bequeathed and devised under the said Will, as hereinbefore recited; and the said trust property and funds, and all accumulations thereof and additions thereto as aforesaid, whether real or personal, shall by operation of law vest in the said Trustees and their successors, upon the trusts, and for the uses and purposes in said Will contained; and the said Trustees, and their successors to be appointed as aforesaid, shall at all times hereafter, with reference to the management and control of the said trust property, and the accumulations thereof, or additions thereto, both real and personal, be known as “The Trustees of the Wesleyan Methodist Church in the City of Saint John;” and with reference to all matters connected with such trust property or fund, or growing thereout, may sue and be sued, implead and be impleaded in all Courts of Justice, by and under the name of “The Trustees of the Wesleyan Methodist Church in the City of Saint John.”

BENEVOLENT SOCIETIES.

3rd VICTORIA—CHAPTER 73.

An Act to incorporate the Saint John Orphan Benevolent Society.

Section.

1. Incorporation of Society.

Section.

2. Powers of, to bind out poor children.

Passed 31st March 1840.

Be it enacted, &c.—1. Lewis Burns, Francis Collins, John Dougherty, James Gallagher, Henry Chubb, John Humbert, Henry Porter, Thomas Harding, Hugh Sharkie, Michael McDonnell, John W. Scott, Richard Nowlan, and their successors, be and they are hereby erected into a body corporate, for the purpose of relieving, protecting, educating, and binding out as apprentices all such indigent orphan children as are already or which hereafter shall be received as fit and proper objects for relief and protection, and for no other purpose, by the name of “The Saint John Orphan Benevolent Society,” and shall have all the general powers and privileges incident to Corporations by Act of the General Assembly of this Province; provided always, that the real estate which said Corporation may at any time hold shall not exceed five thousand pounds.

2. The said Corporation shall have in all respects the like power and authority, by and with the consent of two or more Justices of the Peace, to bind out any such orphan children as the Overseers of the poor now have under and by virtue of the second Section of an Act made and passed in the twenty sixth year of the Reign of His Majesty King George the Third, intituled *An Act to regulate and provide for the support of the Poor in this Province*.

8th VICTORIA—CHAPTER 97.

An Act to incorporate the Fredericton Society of Saint Andrew.

Section 1.—Incorporation of Society.

Passed 14th April 1845.

Be it enacted, &c.—1. Robert Fulton, Charles M'Pherson, William A. M'Lean, John M. Brook, John F. Taylor, Andrew

Inches, and Thomas, R. Robertson, their associates and successors, be and they are hereby erected into a body corporate, for the purpose of affording relief to the distressed natives of Scotland, their families and descendants, by the name of "The Fredericton Society of Saint-Andrew," and for that purpose shall have and enjoy all the general powers made incident to Corporations by the Act of the General Assembly of this Province made and passed in the sixth year of the Reign of His late Majesty King William the Fourth; provided that the real estate which the said Corporation may hold at any one time shall not exceed two thousand pounds in value.

9th VICTORIA—CHAPTER 46.

An Act to incorporate the Highland Society of New Brunswick, at Miramichi.

Section 1.—Incorporation of Society.

Passed 11th April 1846.

WHEREAS the Highland Society of London, instituted in the year one thousand seven hundred and seventy eight, and incorporated by Act of Imperial Parliament in the year one thousand eight hundred and sixteen, by its Commission bearing date the thirteenth day of June one thousand eight hundred and forty two, given at London, under the Seal of the said Society, and directed to Sir William Macbean George Colebrooke, K. H., Lieutenant Governor of the Province of New Brunswick, James Gilmour, and Alexander Rankin, also of New Brunswick, Esquires, after reciting among other things that the said Society, to extend its benefits, and unite together in a central union Highlanders wheresoever situated, had resolved to issue Commissions for the establishment of Branches thereof in the British Colonies abroad, as well as other places at home where Highlanders are, and being extremely desirous that a Branch should be established in New Brunswick, at Miramichi, the said Commission authorized and empowered the said persons to whom it was directed to form a Branch of the said Highland Society of London at Miramichi, New Brunswick, with authority to make such bye laws as might be necessary for the management thereof, in conformity to the principles and rules of the said Society: And whereas, in pursuance of

the said Commission, the said Sir William Macbean George Colebrooke, K. H., James Gilmour, Alexander Rankin, and many other Gentlemen of the said Province, did form themselves into a Society, in connexion with the Highland Society in London: And whereas the said Society in this Province, from not being incorporated, is subject to many inconveniences, and is in consequence unable efficiently to extend and promote the benevolent objects of the Society ;—

Be it therefore enacted, &c.—1. Alexander Key, Alexander Rankin, Hugh Munro, John Montgomery, Francis Ferguson, Thomas C. Allan, Alexander Fraser, Junior, Peter Morrison, John C. M'Bean, John M'Donald, Roderick M'Leod, Donald M'Kay, George Kerr, and Neil M'Lean, and such other person or persons as are now or may hereafter be admitted members of the Society, agreeably to the rules and bye laws of the said Corporation, their associates and successors, be and they are hereby erected into a body corporate, in connexion with the Highland Society of London, under the name and style of "The Highland Society of New Brunswick, at Miramichi," for the purpose, in addition to the objects contemplated by the Parent Society, of extending relief to destitute Scotsmen, Scotswomen, or their descendants, and the education of their children; and for these purposes shall have and enjoy all general powers made incident to Corporations by the Act of the General Assembly of the Province made and passed in the Reign of His late Majesty King William the Fourth; provided that the real estate which the said Corporation may hold at any one time shall not exceed the sum of two thousand pounds in value.

10th VICTORIA—CHAPTER 28.

An Act to incorporate the Saint Andrews Benefit Society.

Section.

1. Incorporation of Society.
2. Bye Laws, how framed.
3. General annual meeting, when held.
4. Interest in fund not assignable.
5. Property of Society, for what not liable.

Section.

6. Property of Society alone responsible for debt, &c.
7. Surplus funds, how invested.
8. Society, when dissolved, &c.

Passed 23rd March 1847.

WHEREAS an Association has been in operation in the Town of Saint Andrews since the year one thousand eight

hundred and twenty five, for the purpose of raising a fund for the mutual assistance and benefit of the members thereof in case of sickness, accident, or old age: And whereas the operations of the said Association have been productive of much benefit: And whereas it is desirable that the said Association should be protected by an Act of Incorporation; therefore—

Be it enacted, &c.—1. Donald D. Morrison, Thomas Sime, Peter Smith, Peter Sime, Miles S. Hannah, Jacob Paul, Thomas Berry, Cornelius Connelly, George McCulloch, and such other persons as are now or may hereafter become members of the said Association, agreeably to the rules, bye laws, and regulations of the same, their associates and successors, be and they are hereby erected into a body corporate, by the name of “The Saint Andrews Benefit Society,” and shall have all the powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of accumulating a fund from which mutual assistance can be afforded to the members thereof in case of sickness, accident, or old age, and for that purpose only.

2. A meeting of the said Corporation shall be called by Miles S. Hannah, or in case of his death, absence, neglect, or refusal, by any two members of the said Society, by giving two days notice of such meeting in any Newspaper published in the Town of Saint Andrews, for the purpose of establishing bye laws, and making such rules and regulations as may be deemed necessary for the management of the said Society, and for the purpose of appointing such officers as may be necessary for the management of said Society; which officers so elected shall serve until the first annual meeting, or until others are chosen in their stead, and shall have full power and authority to manage the affairs of the said Society, subject to the bye laws established at the said meeting; provided always, that the said bye laws may be altered and amended at any annual meeting thereafter to be held, in such manner as two thirds of the members present at such meeting may direct; three months previous notice of such alteration or amendment having been given.

3. A general meeting of the members of the said Society shall be held on the [the word here omitted is repealed by 17

V. c. 44,] Tuesday in March in each and every year, for the election of officers for the management of the said Society, and the transaction of such other business as may be provided for by the bye laws, rules, and regulations of the said Society.

4. No member of the said Society shall have any power to assign, transfer, or set over unto any person or persons whatsoever, any interest which he may have in, or claim to, the funds or property of the said Society; but the same shall at all times after the passing of this Act be subject to and under control of the said Society.

5. No property of any kind whatsoever belonging to the said Society shall be subject to the payments of the debts of any of its members; nor shall the same be liable to be taken in execution by any judgment creditor against any of the members of the said Society.

6. The property of the said Society shall alone be responsible for the debts and engagements of the same.

7. It shall and may be lawful to and for the Treasurer of the said Society, and he is hereby authorized and empowered, from time to time, by and with the consent of the said Society, to be had and testified in such manner as may be directed by the bye laws, rules, and regulations of the said Society, to lay out and dispose of all such sums of money as shall at any time be collected, given, or paid to and for the beneficial ends, intents, and purposes of such Society, as the exigencies of such Society shall not call for the immediate application or expenditure of, either on private securities, to be approved of as aforesaid, (such securities to be taken in the name of the said Corporation,) or to invest the same in real estate, or the public or other stocks or funds, in the name of the said Corporation, and from time to time, with such consent as aforesaid, to alter, sell, and transfer such securities, real estate, and funds respectively.

8. The said Society shall not be dissolved, nor shall any appropriation be made of its funds contrary to the meaning of this Act, while any three of the members of the same object thereto.

10th VICTORIA—CHAPTER 83.

An Act for the regulation of Benefit Building Societies.

Section.

1. Societies, for what purposes established, powers, &c.
2. Bonus, &c., when not usurious.
3. Forms of conveyances, &c., how to be made.
4. Rules of Society, to whom submitted, &c.
5. To whom submitted, if no certificate.
6. Fee to Barrister on submission.
7. Until when, Societies not entitled to benefit of Act.
8. When rules to be binding, and on whom.
9. When rules not to be altered.
10. What rules to specify.
11. Officers, how appointed.
12. Committees, how appointed, &c.
13. Treasurer, what accounts to render.
14. Conveyance, how made when Trustees out of jurisdiction, &c.
15. Fee, when not allowed.

Section.

16. Executors, &c., when to pay money due Society.
17. Effects of Societies, in whom vested.
18. Trustees, limitation of responsibility.
19. Payment to next of kin, when.
20. Payment of sums of limited amount.
21. Cases of fraud, &c., by whom heard.
22. Rules for settling disputes.
23. References on disputes.
24. What orders on disputes final.
25. Minors, powers of.
26. Annual audits, &c., how made.
27. When members may be witnesses.
28. What sufficient to discharge mortgage.
29. Funds, where not to be invested.
30. When Act extended to all Building Societies.
31. Interpretation clause.
32. When Act may be amended.

Schedule.

Passed 14th April 1847.

WHEREAS certain Societies, commonly called Building Societies, have been established in different parts of the United Kingdom of Great Britain, and in the Province of Canada, principally amongst the industrious classes, for the purpose of raising by small periodical subscriptions a fund to assist the members thereof in obtaining a small freehold or leasehold property, and it is expedient to afford encouragement and protection to such Societies, and the property obtained therewith in this Province ;—

Be it therefore enacted, &c.—1. It shall and may be lawful for any number of persons in this Province to form themselves into and establish Societies for the purpose of raising by the monthly or other subscriptions of the several members of such Societies, shares not exceeding the value of one hundred and fifty pounds for each share, such subscriptions not to exceed in the whole twenty shillings per month for each share, a stock or fund for the purpose of enabling each member thereof to receive out of the funds of such Society the amount or value of his or her share or shares therein, to erect or purchase one or more dwelling house or dwelling houses, or other real or leasehold estate, to be secured by way of mortgage to such Society, until the amount or value of his or her shares shall have been fully repaid to such Society, with the interest thereon, and all fines or other payments incurred in respect thereof, and to and for the several members of each Society from time

to time to assemble together, and to make, ordain, and constitute such proper and wholesome rules and regulations for the government and guidance of the same, as to the major part of the members of such Society so assembled together shall seem meet, so as such rules shall not be repugnant to the express provisions of this Act, and to the general laws of this Province, and to impose and inflict such reasonable fines, penalties, and forfeitures upon the several members of any such Society who shall offend against any such rules, as the members may think fit, to be respectively paid to such uses for the benefit of such Society, as such Society by such rules shall direct, and also from time to time to alter and amend such rules as occasion shall require, or annul or repeal the same, and to make new rules in lieu thereof, under such restrictions as are in this Act contained; provided that no member shall receive or be entitled to receive from the funds of such Society any interest or dividend by way of annual or other periodical profit upon any shares in such Society, until the amount or value of his or her share shall have been realized, except on the withdrawal of such member according to the rules of such Society then in force.

2. It shall and may be lawful to and for any such Society to have and receive from any member or members thereof, any sum or sums of money by way of bonus on any share or shares for the privilege of receiving the same in advance prior to the same being realized, and also any interest for the share or shares so received on any part thereof, without being subject or liable on account thereof to any of the forfeitures or penalties imposed by any Act or Acts of Assembly relating to usury.

3. It shall and may be lawful to and for any such Society, in and by the rules thereof, to describe the form or forms of conveyance, mortgage, transfer, agreement, bond, or other instrument which may be necessary for carrying the purposes of the said Society into execution, and which shall be specified and set forth in a Schedule to be annexed to the rules of such Society, and duly certified and deposited as hereinafter provided.

4. Two transcripts, fairly written on paper or parchment, of all rules made in pursuance of this Act, signed by three

members, and countersigned by the Secretary of any such Society, (accompanied in the case of an alteration or amendment of rules, with an affidavit of the Secretary, or one of the officers of the said Society, that the provisions of this Act have been duly complied with) with all convenient speed after the same shall be made, altered, or amended, and so from time to time after every making, altering, or amending thereof, shall be submitted to the Barrister at Law as may be appointed by Her Majesty's Attorney General of this Province, for the purpose of ascertaining whether the said rules of such Society, or alteration, or amendment thereof, are calculated to carry into effect the intention of the parties framing such rules, alterations, or amendments, and are in conformity to law and to the provisions of this Act, and the said Barrister shall advise with the said Secretary, if required, and shall give a certificate on each side of the said transcripts, that the same are in conformity to law and to the provisions of this Act, or point out in what part or parts the said rules are repugnant thereto, and the Barrister for advising as aforesaid, and perusing the rules, or alterations, or amendments of the rules of each respective Society, and giving such certificates as aforesaid, shall demand no further fee than the sum of one guinea, which shall be defrayed by each Society respectively; and one of such transcripts, when certified by the said Barrister, shall be returned to the Society, and the other of such transcripts shall be transmitted by such Barrister to the Clerk of the Peace for the County wherein such Society shall be formed, and by him laid before the Justices for such County at the General Sessions of the Peace, or adjournment thereof, held next after the time when such transcript shall have been so certified and transmitted to him as aforesaid; and the Justices then and there present are hereby authorized and required, without motion, to allow and confirm the same; and such transcript shall be filed by such Clerk of the Peace with the Rolls of the Sessions of the Peace in his custody, without fee or reward; and all rules, alterations, and amendments thereof, from the time when the same shall be certified by the said Barrister, shall be binding on the several members and officers of the said Society, and all persons having interest therein.

5. Provided always, that in case any such Barrister shall

refuse to certify all or any of the rules so to be submitted for his perusal and examination, it shall then be lawful for any such Society to submit the same to the Court of General Sessions of the Peace, together with the reasons assigned by the said Barrister, in writing, for any such rejection or disapproval of any one or more such rules, and the Justices at their said General Sessions shall and may, if they think fit, confirm and allow the same, notwithstanding any such rejection or disapproval by any such Barrister.

6. Provided always, that the said Barrister shall be entitled to no further fee for or in respect of any alteration or amendment of any rules, upon which one fee has been already paid to the said Barrister, within the period of three years; provided also, that if any rules, alterations, or amendments are sent to such Barrister, accompanied with an affidavit of being a copy of any rules, or alterations, or amendments of the rules of any other Society, which shall have been already enrolled under the provisions of this Act, the said Barrister shall certify and return the same as aforesaid without being entitled to any fee for such certificate.

7. No such Society as aforesaid shall have the benefit of this Act, unless all the rules for the management thereof shall be entered in a book to be kept by the Secretary of such Society, and which book shall be open at all seasonable times for the inspection of the members of such Society; but nevertheless, nothing contained herein shall extend to prevent any alteration in or amendment of any such rules so entered, and deposited, and filed as aforesaid, or repealing or annulling the same, or any of them, in the whole or in part, or making any new rules for the management of such Society, in such manner as by the rules of such Society shall from time to time be provided; but such new rules, or such alterations in, or amendments of former rules, or any order annulling or repealing any former rules, in the whole or in part, shall not be in force until the same respectively shall be entered in such book as aforesaid, and certified, when necessary, by such Barrister as aforesaid, and until a transcript thereof shall be deposited with such Clerk of the Peace as aforesaid, who shall file and certify the same as aforesaid.

8. All rules from time to time made and in force for the

management of such Society as aforesaid, and duly entered in such book as aforesaid, and confirmed by the Justices as aforesaid, shall be binding on the several members and officers of such Society, and the several contributors thereto, and their representatives, all of whom shall be deemed and taken to have full notice thereof by such entry and contribution as aforesaid; and the entry of such rules in such book as aforesaid, or the transcript thereof deposited with such Clerk of the Peace as aforesaid, or a true copy of such transcript, examined with the original, and proved to be a true copy, shall be received as evidence of such rules respectively in all cases, and no *certiorari* or other legal process shall be brought or allowed to remove any such rules into any Court of Judicature of this Province, and every copy of any such transcript deposited with any Clerk of the Peace as aforesaid, shall be made without fee or reward, except the actual expense of making such copy.

9. No rule confirmed by the Justices of the Peace in manner aforesaid, shall be altered, rescinded, or repealed, unless at a general meeting of the members of such Society as aforesaid, convened by public notice, written or printed, signed by the Secretary or President of such Society, in pursuance of a requisition for that purpose by seven or more of the members of such Society, which said requisition and notice shall be publicly read at the two usual meetings of such Society to be held next before such general meeting, for the purpose of such alteration, or repeal, unless a Committee of such members shall have been nominated for that purpose at a general meeting of the members of such Society convened in manner aforesaid, in which case such Committee shall have the like power to make such alterations or repeal, and unless such alteration or repeal shall be made with the concurrence and approbation of three fourths of the members of such Society then and there present, or by the like proportion of such Committee as aforesaid, if any shall have been nominated for that purpose.

10. The rules of every Society formed under the authority of this Act, shall specify the place or places at which it is intended such Society shall hold its meetings, and contain provisions with respect to the powers and duties of the members at large, and of such Committees or officers as may be appointed for the management of the affairs of such Society; provided

always, that it shall and may be lawful for any such Society to alter their place or places of meeting whenever they may consider it necessary, upon giving notice thereof in writing to the Clerk of the Peace for the County within which such Society shall be held, the said notice to be given within seven days before or after such removal, and signed by the Secretary or other principal officer, and also by three or more of the members of the said Society; and provided that the place or places at which such Society intend to hold their meetings shall be situate within the County in which the rules of the said Society are enrolled.

11. Every such Society shall and may from time to time, at any of their usual meetings, or by their committee, if any such shall be appointed for that Society, elect and appoint such person into the office of Trustee, President, Secretary, Surveyor, or Treasurer of such Society, as they shall think proper, and also shall and may from time to time elect and appoint such other officers as shall be deemed necessary to carry into execution the purposes of such Society, for such space of time and for such purposes as shall be fixed and established by the rules of such Society, and from time to time to elect and appoint others in the room of those who shall vacate or die; and such Trustee, Treasurer, and all and every other officer or other person whatever, who shall be appointed to any office in any wise touching or concerning the receipt, management, or expenditure of any sum of money collected for the purpose of any such Society, before he, she, or they shall be admitted to take upon him, her, or them, the execution of any such office or trust, (if required so to do by the rules of such Society to which such officer shall belong,) shall become bound in a bond according to the form prescribed in the Schedule to this Act annexed, with two sufficient sureties, for the just and faithful execution of such office or trust, and for rendering a just and true account according to the rules of such Society, and in all matters lawful to pay obedience to the same, in such penal sum of money as by the major part of such Society, at any such meeting as aforesaid, shall be thought expedient, and to the satisfaction of such Society; and every such Bond to be given by or on the behalf of such Trustee or Treasurer, or of any other person appointed to any other office or trust, shall

be given to the Clerk of the Peace of the County where such Society shall be established, for the time being, without fee or reward ; and in case of forfeiture, it shall be lawful to sue upon such bond in the name of the Clerk of the Peace for the time being, for the use of the said Society, fully indemnifying and saving harmless such Clerk of the Peace from all costs and charges in respect of such suit.

12. Every such Society shall and may from time to time elect and appoint any number of the members of such Society to be a Committee, the number thereof to be declared in the rules of every such Society, and shall and may delegate to such Committee all or any of the powers given by this Act to be executed, who being so delegated, shall continue to act as such Committee for and during such time as they shall be appointed for such Society, for general purposes, the powers of such Committee being first declared in and by the rules of such Society, confirmed by the Justices of the Peace at their Sessions, and filed in the manner hereinbefore directed ; and all acts and orders of such Committee, under the powers so delegated to them, shall have the like force and effect as the acts and orders of such Society, at any general meeting thereof, could or might have had in pursuance of this Act ; provided always, that the transactions of such Committee shall be entered in a book belonging to such Society, and shall be from time to time and at all times subject and liable to the review, allowance or disallowance, and control of such Society, in such manner and form as such Society shall, by their general rules, confirmed by the Justices, and filed as aforesaid, have directed and appointed, or shall in like manner direct and appoint.

13. Every person who shall have or receive any part of the moneys, effects, or funds of or belonging to any such Society, or shall in any manner have been or shall be intrusted with the disposal, management, or custody thereof, or of any securities, books, papers, or property relating to the same, his or her executors, administrators, and assigns respectively, shall upon demand made, or notice in writing given, or left at the last or usual place of residence of such persons, in pursuance of any order of such Society, or Committee to be appointed as aforesaid, give in his or her account at the usual meeting of such Society, or to such Committee thereof as aforesaid, to be

examined and allowed or disallowed by such Society or Committee thereof, and shall, on the like demand or notice, pay over all the moneys remaining in his or her hands, and assign and transfer or deliver all securities and effects, books, papers, and property taken or standing in his or her name as aforesaid, or being in his or her hands or custody, to the Trustee or Treasurer for the time being, or to such other person as such Society, or Committee thereof, shall appoint; and in case of any neglect or refusal to deliver such account, or to pay over such moneys, or to assign, transfer, or deliver such securities and effects, books, papers, and property, in manner aforesaid, it shall and may be lawful to and for every such Society, in the name of the Trustees or Treasurer, or other principal officer thereof, as the case may be, to exhibit a petition to the Supreme Court of this Province, who shall and may proceed thereon in a summary way, and make such order therein, upon hearing all parties concerned, as to such Court, in their discretion, shall seem just, which order shall be final and conclusive; and all assignments, sales, and transfers made in pursuance of such order, shall be good and effectual in law to all intents and purposes whatsoever.

14. When and so often as any person seized or possessed of any lands, tenements, or hereditaments, or other property, or any estate, or interest therein, as a Trustee of any such Society, shall be out of the jurisdiction of, or not amenable to the process of the Supreme Court of this Province, or shall be idiot, lunatic, or of unsound mind, or it shall be unknown or uncertain whether he or she be living or dead, or such person shall refuse to convey, or otherwise assure such lands, tenements, hereditaments, or property, or estate, or interest, to the person duly nominated as Trustee of such Society in their stead, either alone or together with any continuing Trustee, as occasion shall require, then and in every or any such case, it shall be lawful for the Judges of the said Court to appoint such person as to such Court shall seem meet, on behalf and in the name of the person seized or possessed as aforesaid, to convey, surrender, release, assign, or otherwise assure the said lands, tenements, hereditaments, or property, or estate, or interest, to such Trustee so duly nominated as aforesaid; and every such conveyance, release, surrender, assignment, or

assurance, shall be as valid and effectual to all intents and purposes as if the person being out of the jurisdiction or not amenable to the process of the said Court, or not known to be alive, or having refused, or as if the person being idiot, lunatic, or of unsound mind, had been at the time of the execution thereof of sane mind, memory, and understanding, and had by himself or herself executed the same.

15. No fee, reward, emolument, or gratuity whatsoever, shall be demanded, taken, or received by any officer of such Court for any matter or thing done in such Court in pursuance of this Act, and upon the presenting of any such petition, it shall be lawful for the Judges of the said Court to assign Counsel learned in the law, on behalf of such Society, who are hereby respectively required to do their duties therein without fee or reward.

16. If any person who may hereafter be appointed to any office in any such Society, and being intrusted with the keeping of the accounts, or having in his hands or possession, by virtue of his said office or employment, any moneys or effects belonging to such Society, or any deeds or securities relating to the same, shall die, or become bankrupt, or insolvent, or have any execution, or attachment, or other process issued against his lands, goods, chattels, or effects, or property, or estate, heritable or moveable, or make any disposition, assignment, or other conveyance thereof, for the benefit of his creditors, his heirs, executors, administrators, or assigns, or other person having legal right, or the Sheriff or other officer executing such process, shall within forty days after demand made in writing, by the order of any such Society or Committee thereof, or the major part of them assembled at any meeting thereof, deliver and pay over all moneys and other things belonging to such Society, to such person as such Society or Committee shall appoint, and shall pay out of the estates, assets, or effects, heritable or moveable, of such persons, all sums of money remaining due, which such person received by virtue of his said office or employment, before any other of his debts are paid or satisfied, or before the money directed to be levied by such process as aforesaid, or which may be recovered or recoverable under the same, is paid over to the party issuing such process, and all such assets, lands, goods, chattels, property, estates, and

effects, shall be bound to the payment and discharge thereof accordingly.

17. All real and heritable property, moneys, goods, chattels, and effects whatever, and all titles, securities for money, or other obligatory instruments and evidences or muniments, and all other effects whatever, and all rights or claims belonging to or had by such Society, shall be vested in the Trustees or Treasurer of such Society for the time being, for the use and benefit of such Society, and the respective members thereof, their respective executors or administrators, according to their respective claims and interests; and after the death or removal of any Trustee or Treasurer, shall vest in the succeeding Trustee or Treasurer for the same estate or interest as the former Trustee or Treasurer had therein, and subject to the same trusts, without any assignment or conveyance whatever, and also shall for all purposes of action or suit, as well criminal as civil, in law or in equity, in any wise touching or concerning the same, be deemed and taken to be, and shall in every such proceeding (where necessary) be stated to be the property of the person appointed to the office of Trustee or Treasurer of such Society for the time being, in his or her proper name, without further description; and such person shall, and he or she is hereby respectively authorized to bring or defend, or cause to be brought or defended, any action, suit, or prosecution, criminal as well as civil, in law or in equity, touching or concerning the property, right, or claim aforesaid, of, or belonging to, or had by such Society; provided that such person shall have been thereunto duly authorized by the consent of the majority of members present at any meeting of the Society or Committee thereof; and such person so appointed shall and may in all cases concerning the property, right, or claim aforesaid of such Society, sue and be sued, plead and be impleaded, in his or her proper name, as Trustee or Treasurer of such Society, without other description; and no such suit, action, or prosecution shall be discontinued or abate by the death of such person, or his or her removal from the office of Trustee or Treasurer, but the same shall and may be proceeded in by the succeeding Trustee or Treasurer, in the proper name of the person commencing the same, any law, usage, or custom to the contrary notwithstanding; and such succeeding Trustee

or Treasurer, shall pay or receive like costs as if the action or suit had been commenced in his or her name, for the benefit of or to be reimbursed from the funds of such Society.

18. The Trustees, or Treasurer, or any officer of any Society established under the authority of this Act, shall not be liable to make good any deficiency which may arise in the funds of such Society, unless such persons shall have respectively declared by writing, under their hands, deposited and registered in like manner with the rules of such Society, that they are willing so to be answerable, and it shall be lawful for each of such persons, or for such persons collectively, to limit his, her, or their responsibility to such a sum as shall be specified in any such instrument or writing; provided always, that the said Trustee and Trustees, or Treasurer, and every the officer of any such Society, shall be and they are hereby declared to be personally responsible and liable for all moneys actually received by him, her, or them, on account of, or to, or for the use of the said Society.

19. Whenever the Trustees of any Society established under this Act, at any time after the decease of any member, have paid and divided any sum of money to or amongst any person or persons who shall at the time of such payment appear to such Trustees to be entitled to the effects of any deceased intestate member, the payment of any such sum or sums of money shall be valid and effectual with respect to any demand of any other person or persons as next of kin of such deceased intestate member against the funds of such Society, or against the Trustees thereof, but nevertheless such next of kin or representative shall have remedy for such money so paid as aforesaid, against the person or persons who shall have received the same.

20. In case any member of any Society shall die, who shall be entitled to any sum not exceeding twenty pounds, it shall be lawful for the Trustees or Treasurer of such Society, and they are hereby authorized and permitted, if such Trustees or Treasurer shall be satisfied that no will was made and left by such deceased member, and that no letters of administration will be taken out of the funds, goods, and chattels of such depositor, to pay the same at any time after the decease of such member, according to the rules and regulations of the

said Society ; and in the event of there being no rules and regulations made in that behalf, then the said Trustee or Treasurer are hereby authorized and permitted to pay and divide the same to and amongst the person or persons entitled to the effects of the deceased intestate, and that without administration.

21. For the more effectually preventing fraud and imposition on the funds of such Societies, if any officer, member, or any other person, being, or representing himself or herself to be a member of such Society, or the nominee, executor, administrator, or assignee of any member of such Society, or any other person whatever, shall in or by any false representation or imposition, fraudulently obtain possession of the moneys of such Society, or any part thereof, or having in his or her possession any sum of money belonging to such Society, shall fraudulently withhold the same, and for which offence no especial provision is made in the rules of such Society, it shall be lawful for any one Justice of the Peace residing within the County within which such Society shall be held, upon complaint made on oath by an officer of such Society, to summon such person against whom such complaint shall be made, to appear at a time and place to be named in such summons, and upon his or her appearance, or in default thereof, upon due proof upon oath of the service of such summons, it shall and may be lawful for any two Justices residing within the County aforesaid, to hear and determine the said complaint, according to the rules of the said Society, confirmed as directed by this Act ; and upon due proof of such fraud, the said Justices shall convict the said party, and award double the amount of the money so fraudulently obtained or withheld, to be paid to the Treasurer, to be applied by him to the purposes of the Society so proved to have been imposed upon and defrauded, together with such costs as shall be awarded by the said Justices, not exceeding the sum of ten shillings ; and in case such person against whom such complaint shall be made, shall not pay the sum of money so awarded to the person, and at the time specified in the said order, such Justices are hereby required by warrant under their hands and seals, to cause the same to be levied by distress and sale of goods of such person on whom such order shall have been made, or by other legal proceeding, together with such costs as shall be awarded by the said Justices, not exceeding

the sum of ten shillings, and also the costs and charges attending such distress and sale, or other legal proceeding, returning the overplus (if any) to the owner ; and in default of such distress being found, the said Justices of the Peace shall commit such person so proved to have offended to the Provincial Penitentiary, there to be kept at hard labour for such a period not exceeding three calendar months, as to them shall seem fit ; provided nevertheless, that nothing herein contained shall prevent the said Society from proceeding by indictment or complaint against the party complained of ; and provided also, that no party shall be proceeded against by indictment or complaint if a previous conviction has been obtained for the same offence under the provisions of this Act.

22. Provision shall be made by one or more of the rules of every such Society, to be confirmed as required by this Act, specifying whether a reference of every matter in dispute between any such Society, or any person acting under them, and any individual member thereof, or person claiming on account of any member, shall be made to such of Her Majesty's Justices of the Peace as may act in and for the County in which such Society may be formed, or to arbitrators to be appointed in manner hereinafter directed ; and if the matter so in dispute shall be referred to arbitration, certain arbitrators shall be named and elected at the first meeting of such Society, or Committee thereof, that shall be held after the enrolment of its rules, none of the said arbitrators being beneficially interested, directly or indirectly, in the funds of the said Society, of whom a certain number, not less than three, shall be chosen by ballot in each such case of dispute, the number of the said arbitrators and mode of ballot being determined by the rules of each Society respectively ; the names of such arbitrators shall be duly entered in the Book of the said Society in which the rules are entered as aforesaid ; and in case of the death, or refusal, or neglect of any or all of the said arbitrators to act, it shall and may be lawful to and for the said Society, or Committee thereof, and they are hereby required, at their next meeting, to name and elect one or more arbitrator or arbitrators as aforesaid, to act in the place of the said arbitrator or arbitrators so dying, or refusing, or neglecting to act as aforesaid ; and whatever award shall be made by the said

arbitrators, or the major part of them, according to the true purport and meaning of the rules of such Society, confirmed by the Justices according to the directions of this Act, shall be in the form to this Act annexed, and shall be binding and conclusive on all parties, and shall be final, to all intents and purposes, without appeal, or being subject to the control of one or more Justices of the Peace, and shall not be removed or removable into any Court of law, or restrained or restrainable by the injunction of any Court of equity; and should either of the said parties in dispute refuse or neglect to comply with or conform to the decision of the said arbitrators, or the major part of them, it shall and may be lawful for any one Justice of the Peace residing within the County within which such Society shall be held, upon good and sufficient proof being adduced before him of such award having been made, and of the refusal of the party to comply therewith, upon complaint made by or on behalf of the party aggrieved, to summon the person against whom such complaint shall be made to appear at a time and place to be named in such summons, and upon his or her appearance, or in default thereof, upon due proof upon oath of the service of such summons, any two Justices of the Peace may proceed to make such order thereupon as to them may seem just; and if the sum of money so awarded, together with a sum for costs, not exceeding the sum of ten shillings, as to such Justices shall seem meet, shall not be immediately paid, then such Justices shall, by warrant under their hands and seals, cause such sum and costs as aforesaid, to be levied by distress or by distresses and sale of the moneys, goods, chattels, securities, and effects belonging to the said party or to the said Society, or other legal proceeding, together with all further costs and charges attending such distress and sale or other legal proceeding, returning the overplus (if any) to the said party or to the said Society, or to one of the Trustees or Treasurer thereof; and in default of such distress being found, or such other legal proceeding being ineffectual, then to be levied by distress and sale of the proper goods of the said party, or of the said Society so neglecting or refusing as aforesaid, by other legal proceedings, together with such further costs and charges as aforesaid, returning the overplus (if any) to the owner; provided always, that when the rules of

any Society provide for a reference to arbitrators of any matter in dispute, and it shall appear to any Justice of the Peace, on the complaint, on oath, of a member of any such Society, or of any person claiming on account of such member, that application has been made to such Society, or the Trustees or Treasurer, or other officer thereof, for the purpose of having any dispute so settled by arbitration, and that such application has not within forty days been complied with, or that the arbitrators have neglected or refused to make any award, it shall and may be lawful for such Justice to summon the Trustee, Treasurer, or other officer of the Society, or any one of them against whom the complaint is made, and for any two Justices to hear and determine the matter in dispute, in the same manner as if the rules of the said Society had directed that any matter in dispute as aforesaid should be decided by Justices of the Peace, any thing herein contained to the contrary thereof notwithstanding.

23. If by the rules of any such Society it is directed that any matter in dispute as aforesaid shall be decided by Justices of the Peace, it shall and may be lawful for any such Justice, on complaint being made to him of any refusal or neglect to comply with the rules of such Society by any member or officer thereof, to summon the person against whom such complaint shall be made, to appear at a time and place to be named in such summons, and upon his or her appearance, or in default thereof, upon due proof on oath of the service of such summons, it shall and may be lawful for any two Justices to proceed to hear and determine the said complaint, according to the rules of the said Society; and in case the said Justices shall adjudge any sum of money to be paid by such person against whom such complaint shall be made, and such person shall not pay such sum of money to the person, and at the time specified by such Justices, they shall proceed to enforce their award in the manner hereinbefore directed to be used, in case of any neglect to comply with the decision of the arbitrators appointed under the authority of this Act.

24. Every sentence, order, and adjudication of any Justices under this Act, shall be final and conclusive to all intents and purposes, and shall not be subject to appeal, and shall not be removed or removable into any Court of law, or restrained or

restrainable by the injunction of any Court of equity, and no suspension, advocacy, or reduction shall be competent.

25. A minor may become a member of any such Society, and shall be empowered to execute all instruments, give all necessary acquittances, and enjoy all the privileges, and be liable to all the responsibilities appertaining to members of matured age, notwithstanding his or her incapacity or disability in law to act for himself or herself; provided always, that such minor be admitted into such Society by and with the consent of his or her parents, masters, or guardians.

26. The rules of every such Society shall provide that the Trustees, Treasurer, or other principal officer thereof, shall once in every year at least, prepare or cause to be prepared a general statement of the funds and effects of or belonging to such Society, specifying in whose custody or possession the said funds or effects shall be then remaining, together with an account of all and every the various sums of money received and expended by or on account of the said Society since the publication of the preceding periodical statement; and every such periodical statement shall be attested by two or more members of such Society, appointed auditors for that purpose, and shall be countersigned by the Secretary of such Society, and every member shall be entitled to receive from the said Society a copy of such periodical statement, on payment of such sum as the rules of such Society may require, not exceeding the sum of six pence.

27. On the trial of any action, indictment, or other proceeding respecting the property of any Society enrolled under the authority of this Act, or in any proceedings before any Justice of the Peace, any member of such Society shall be a competent witness, and shall not be objected to on account of any interests he may have as such member in the result of such action, indictment, or other proceeding.

28. It shall be lawful for the Trustees named in any mortgage made on behalf of such Societies, or the survivor or survivors of them, or for the Trustees for the time being, to endorse upon any mortgage or further charge given by any member of such Society to the Trustees thereof for moneys advanced by such Society to any member thereof, a receipt for all moneys intended to be secured by such mortgage or further charge,

which shall be sufficient to vacate the same, and vest the estate of and in the property comprised in such security, in the person or persons for the time being entitled to the equity of redemption, without it being necessary for the Trustees of any such Society to give any reconveyance of the property so mortgaged, which receipt shall be specified in a schedule to be annexed to the rules of such Society, duly certified and deposited as aforesaid.

29. Nothing herein contained shall authorize any Building Society established under this Act to invest its funds, or any part thereof, in any Savings Bank.

30. All Building Societies hereafter to be established, shall be entitled to the protection and benefits of this Act, but no such Society shall be entitled thereto until their rules shall have been certified and deposited in the manner hereinbefore directed by this Act.

31. Wherever in this Act, in describing or referring to any person, the word importing the singular number or the masculine gender only is used, the same shall be understood to include, and shall be applied to several persons or parties, as well as one person or party, and females as well as males, unless there be something in the subject or context repugnant to such construction.

32. This Act may be altered, amended, or repealed at this present or any future Session of Assembly.

Schedule referred to in this Act.

FORM OF AWARD.

We, the major part of the arbitrators, duly appointed by the Building Society, established at , in the County of , do hereby award and order, that A. B. [*specifying by name the party or the officer of the Society*] do on the day of , pay to C. D. the sum of , (or we do hereby reinstate in, or expel A. B. from the said Society, *as the case may be.*)—Dated this day of , A. D. 18 .

E. F.
G. H.

FORM OF BOND.

Know all Men by these Presents, That we A. B. of , Treasurer (or Trustee, &c.) of the Building Society,

established at , in the County of , and C. D. of , and G. H. of , (as sureties on behalf of the said A. B.) are jointly and severally bound to E. F., the present Clerk of the Peace for the County of , in the sum of , to be paid to the said E. F. as such Clerk of the Peace or his successor, Clerk of the Peace of the said County of for the time being, or his certain Attorney, for which payment well and truly to be made, we jointly and severally bind ourselves, and each of us by himself, our and each of our heirs, executors, and administrators, firmly by these Presents. Sealed with our Seals. Dated the day of , in the year of our Lord one thousand eight hundred and .

Whereas the above bounden A. B. hath been duly appointed Treasurer (*or* Trustee, &c.) of the Building Society established as aforesaid, and he, together with the above bounden C. D. and G. H. as his sureties, have entered into the above written Bond, subject to the condition hereinafter contained. Now therefore the condition of the above written Bond is such, that if the said A. B. shall and do justly and faithfully execute his office of Treasurer (*or* Trustee, &c.) of the said Society established as aforesaid, and shall and do render a just and true account of all moneys received and paid by him, and shall and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all securities and effects, books, papers, and property of, or belonging to the said Society, in his hands or custody, to such person or persons as the said Society shall appoint, according to the rules of the said Society, together with the proper or legal receipts or vouchers for such payments, and likewise shall and do in all respects well and truly and faithfully perform and fulfil his office of Treasurer (*or* Trustee, &c.) to the said Society, according to the rules thereof, then the above written Bond shall be void and of no effect, otherwise shall be and remain in full force and virtue.

A. B. [L.S.]

C. D. [L.S.]

G. H. [L.S.]

17th VICTORIA—CHAPTER 44.

An Act to amend an Act intituled *An Act to incorporate the Saint Andrews Benefit Society*.

Section 1.—Time of annual meeting altered.

Passed 1st May 1854.

WHEREAS in and by the third Section of an Act made and passed in the tenth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Saint Andrews Benefit Society*, the annual meeting for the election of the officers of the said Society is required to be holden on the fourth Tuesday in March in each and every year, and which has been found inconvenient; for remedy whereof,—

Be it enacted, &c.—1. From and after the passing of this Act, the annual meeting of the said Society shall take place on the first Tuesday of March in each and every year, instead of the fourth Tuesday as provided in and by the said third Section of the said Act.

12th VICTORIA—CHAPTER 64.

An Act to incorporate the Grand Division and Subordinate Divisions of the Order of the Sons of Temperance in New Brunswick.

Section.

1. Incorporation of Members.
2. Grand Division to hold property; limit.
3. May appoint what officer.
4. What other Divisions may be incorporated.
5. When may be incorporated.
6. Treasurers to invest funds, where.
7. Security from Treasurers.

Section.

8. Assignment in individual interest, not allowed.
9. What responsible for debts of Corporation.
10. On dissolution of Subordinate Division, disposition of property.
11. Limitation of Act.

Passed 14th April 1849.

WHEREAS a Grand Division and numerous Subordinate Divisions of the Order of the Sons of Temperance have been formed in this Province: And whereas in addition to the moral objects which that association has in view, they are established for the purpose of raising and securing a fund for the mutual assistance and benefit of Members thereof and of their families, in case of sickness, inability, or death: And whereas for the purpose of managing their pecuniary affairs and no other, the said Order should be protected by an Act of Incorporation;—

Be it therefore enacted, &c.—1. Alexander Campbell, Asa Coy, Samuel L. Tilley, James Johnston, George A. Garrison,

Richard Seely, Reverend James Porter, John R. Marshall, and their associates, members of the Grand Division of the Order of the Sons of Temperance of the Province of New Brunswick, and their successors, members of said Grand Division according to the rules and bye laws thereof, be and they are hereby erected into a body corporate, by the name of "The Grand Division of the Order of the Sons of Temperance of the Province of New Brunswick," with the powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of managing the pecuniary affairs of said Grand Division.

2. The said Grand Division, in their corporate name, shall be capable of acquiring and holding property, real or personal, and the same to sell, convey, control, lease, or otherwise manage and dispose of at pleasure; provided that the real estate to be held by the said Grand Division shall at no time exceed in value the sum of one thousand pounds.

3. The said Grand Division shall have power to appoint any of their present officers or such other members or officers for the management of their funds and property as they may deem expedient, to prescribe their duties, and to require such security as they may from time to time deem proper from said officers, or any of them, for the faithful performance of their respective duties, and may remove them or any of them at pleasure, and may make, ordain, and put in execution such bye laws and rules as they may deem necessary for the purposes aforesaid, not inconsistent with the laws of this Province.

4. Each Subordinate Division now instituted or which may hereafter become instituted within this Province, may in the manner hereinafter specified, be and become a body corporate, by the name, number, and place of location by which it is or may be designated in the Order; and each Subordinate Division, upon so becoming incorporate, shall have all the powers and privileges made incident to a Corporation by Act of Assembly aforesaid, for the sole purpose of managing their funds and property; provided that the real estate to be held by each incorporated Subordinate Division shall at no time exceed in value the sum of five hundred pounds.

5. Each Subordinate Division which may be desirous of becoming incorporated, shall and may by a vote of two thirds

of its members present at any regular meeting, (of the intention to propose which vote two weeks notice at least shall be given in regular meeting of such Subordinate Division by some member thereof in writing,) decide to become so incorporated ; and upon a copy of the vote of such decision, specifying also the name, number, and place of location of such Subordinate Division, and the names of not less than ten of the members of such Subordinate Division, under the seal of such Subordinate Division and the signature of its Recording Scribe and presiding Officer, together with a Certificate of the Grand Division, under its corporate seal and the signature of its presiding Officer, and Scribe, that such Subordinate Division is in full standing in the Order, being filed in the Office of the Secretary of the Province, the members of such Subordinate Division, whose names may be included in such vote as aforesaid, and their associates and successors, members of such Subordinate Division, shall be and become from the time of filing such Certificate as aforesaid, with the Secretary as aforesaid, a body corporate as aforesaid, for the purposes aforesaid, by the style or name, number, and place of location of such Subordinate Division.

6. It shall and may be lawful for the Treasurer of each Subordinate Division so incorporated, and he is hereby empowered from time to time, by and with the consent of such Subordinate Division, to be testified in such manner as may be directed by their bye laws, to lay out and invest all such sum or sums of money as shall from time to time be collected and not required for the immediate exigencies of such Subordinate Division, in real estate, or on mortgage, or in public or other stock or funds, or in such other manner as such Subordinate Division may deem best, and from time to time with the like consent, to alter, sell, and transfer such securities, real estate, or funds respectively, and otherwise reinvest or dispose of the same ; and the Certificate, Bill of Sale, Deed, or other instrument of transfer, sale, or discharge of such estate, or funds, or security, shall be made under the seals of such Subordinate Division, and signed by the Treasurer and presiding Officer of such Subordinate Division ; and all such investments shall be made, and securities taken, and sales and transfers made in the corporate name and capacity of such Subordinate Division.

7. It shall and may be lawful for each Subordinate Division so incorporated, when so incorporated, to receive from the Treasurer thereof from time to time, in their corporate name, sufficient security by bond, with one or more surety or sureties or otherwise as such Subordinate Division may deem expedient, for the faithful performance of his duty as such, and that he will well and truly account for, and pay, and invest from time to time all such sum or sums of money, funds, or other property as may come to his hands or under his control, belonging to said Subordinate Division, as directed by said Subordinate Division.

8. No member of any Subordinate Division so incorporated shall have any power to assign or transfer to any person or persons whomsoever, any interest which he may have to or in the funds or property of such Subordinate Division; but the same shall at all times be and remain under the control of such Subordinate Division; and no property or stock of any kind belonging to such incorporated Subordinate Division shall be subject to the payment of the private debts of any of its members, nor be liable to be taken in execution by any judgment creditor against any individual member or members of such Subordinate Division.

9. The property of each of said Subordinate Divisions, when incorporated, shall alone become responsible for the debts and engagements of the Subordinate Division owning such property.

10. Upon the dissolution of any Subordinate Division so incorporated, the property held by it at the time of said dissolution, after the payment of the debts and engagements of such Subordinate Division, shall be disposed of, sold, or conveyed in such manner as the members present at any regular meeting when said dissolution shall have been determined upon by a two third vote, may direct; and in case no disposition of the funds and property of such Subordinate Division shall be made, then all such funds and property as such Subordinate Division may be possessed of at the time of such dissolution shall be *ipso facto* vested in the Grand Division aforesaid, to be by such Grand Division applied, first to the payment of any debts or liabilities of such dissolved Subordinate Division, and the balance (if any) in such manner as said Grand Division may

deem best for the general interest of the Order in this Province.

11. This Act shall continue and be in force for the period of seven years from the time of the passing thereof.

15th VICTORIA—CHAPTER 79.

An Act to incorporate the Trustees of the Provident Institution.

Section.

1. Incorporation of Trustees.
2. What property may purchase.
3. What may not.
4. Quorum for business.

Section.

5. Bye laws, how made, &c.
6. Fishing establishments may be carried on by Corporation.
7. Liability for debts.

Passed 7th April 1852.

WHEREAS the several persons hereinafter named have formed themselves into a Society, together with many other persons in Great Britain, under the provisions of an Act of the Imperial Parliament passed in the thirteenth and fourteenth years of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to Friendly Societies*, for several beneficial purposes, and amongst others, for the purpose of enabling any member, or the husband, wife, or child of any member, to emigrate: And whereas it may tend to the promotion of such objects, and to the benefit of this Province, if such persons were incorporated;—

Be it therefore enacted, &c.—1. Sir Augustus William Hilary, Baronet, Sir George De La Poer Beresford, Baronet, Sir Cavendish William Rumbold, Baronet, Sir Charles Rich, Baronet, Sir George Rich, Knight, the Honorable Edmund Seton Pery Knox, Major George Frederick Berkley St. John, Frederick Augustus Bell, Augustus Frederick Burgett, Henry Long, William Andrews, and John Naylor, Esquires, their associates, successors, and assigns, shall be and they are hereby erected into a body politic and corporate, by the name of “The Trustees of the Provident Institution,” and by that name shall have perpetual succession, and a common seal, and all and singular other the general powers, privileges, and benefits, and be subject to the conditions made incident to a Corporation by Act of Assembly of this Province, for the purpose of encouraging emigration to this Province under the provisions and enactments of the before mentioned Act of the Imperial Parliament.

2. The said Corporation may purchase and hold or receive lands, tenements, and hereditaments, in fee simple or otherwise, and rents, moneys, securities for money, mortgages and securities on real or personal property, and also to sell and convey lands, or mortgage, demise, or let the same, as may be found necessary for the purpose of emigration.

3. The said Corporation shall not hold or possess any lands at any one time within this Province to a greater extent than one hundred thousand acres, and shall not lend money by way of discount, nor engage in any Banking transaction whatever.

4. At any meeting of the said Corporation five of the members thereof shall be a quorum, and shall elect a Chairman, who shall have a casting vote in all cases of equality of votes; and such meeting shall have full power, by a majority of votes, to admit new members and to transact all other business of or relating to the said Society, subject only to the provisions of this Act and of the said Act of the Imperial Parliament.

5. Such meeting shall have full power, by a like majority, to make such bye laws as may be necessary as well for the management of the said Society, and the lands, estates, mortgages, goods, and other property thereof, and for raising money for the purposes of the said Society on the security of any lands or other property thereof, and for the regulation of any members or contributors to the funds thereof, or of any settlers on the lands that may belong to the said Corporation, and as shall from time to time be required for the good government thereof, and any subsequent meeting may alter and amend the same from time to time as occasion may require, provided that no such bye law shall be contradictory or repugnant to the laws of this Province; provided also, that no such bye law shall have any power or effect until it shall have been submitted to and approved by the Lieutenant Governor in Council, and published in the Royal Gazette.

6. The said Corporation shall have power and they are hereby authorized to carry on a Fishing establishment or establishments in this Province, and for this purpose may have, hold, and employ such vessels and property as may be necessary for carrying on the same, as effectually as a private individual or Company might do, but in their corporate name and capacity, and under the same provisions and liabilities, and

with the same privileges as other property held by them, or other powers given to them for emigration purposes.

7. The joint property of the said Corporation shall alone be liable for the debts or engagements of the same.

17th VICTORIA—CHAPTER 48.

An Act to incorporate the Saint John Seamen's Friend Society.

Section.

1. Corporation, how constituted.
2. Powers of Corporation.
3. First meeting, how to be called.
4. President, when chosen.
5. Officers, what may be appointed, and by whom.
6. Annual meeting, where and how conducted.

Section.

7. What interest allowed on shares.
8. What property responsible for debts, and shares how deemed.
9. What property Corporation may hold, and to what amount.
10. Bye Laws, how passed and confirmed.

Passed 1st May 1854.

WHEREAS a number of well disposed persons in the City of Saint John have formed themselves into a Society for the purpose of improving the moral and social condition of the numerous body of Seamen frequenting that Port, and such Society has established a "Seaman's Home," which has been eminently successful to the extent of its accommodation, but has been found wholly inadequate to the wants of the Port: And whereas more extensive premises have been purchased in the said City, on which it is proposed to erect a large and suitable building for such "Seaman's Home," to include also a Savings Bank, Nautical School, and Sailor's Institute, as also a large Hall to be used on the Sabbath for Bethel purposes: And whereas the members of the said Society are desirous of becoming incorporated for the purpose of holding the said real and personal estate in trust for the useful and laudable purposes aforesaid;—

Be it therefore enacted, &c.—1. The persons hereinafter named, that is to say, Charles Simonds, John Robertson, Edward Allison, Benjamin Smith, John Wishart, John Owens, Thomas G. Hatheway, Charles M'Lauchlan, Stephen Wiggins, Thomas Vaughan, Henry Vaughan, James Reid, Robert Reid, Francis Ferguson, A. A. Coughlan, James A. Crane, Charles Brown, A. M'L. Seely, James Kirk, Junior, and George Worall, I. L. Bedell, William Carvill and George Carvill, R. L. Hazen, B. Leavitt, A. N. Henry, John Walker,

Francis Ruddock and Samuel Ruddock, A. C. Trentowsky, A. M'Lean, Isaac Woodward, George Salter, J. W. M. Irish, Thomas M'Henry, Thomas E. Millidge, John Fisher, John Sandall, John W. J. Bell, Alexander Sime, William Olive, M. D. Purdy, George Thomas, Captain R. Wright, William Wright, Benjamin M. Thomas, James Nevins, William Potts, Z. King, Hiram Hunt, Henry Chubb, Charles Doherty, C. Whittaker, L. H. DeVeber, John M'Donald, Isaac Olive, Joseph Fairweather, James L. Dunn, Walker Tisdale, Thomas E. G. Tisdale, R. Salter, Robert Robertson, Joseph Sulis, M. H. Fisher, Robert Bayard, J. H. Gray, James Ruddock, C. C. Vaughan, John Wiswell, E. N. Harris, W. H. Travis, F. E. B. Crosby, William Scovil, William Short, and R. Easty, their associates, successors, and assigns, are hereby erected into a body politic and corporate, by the name of "The Saint John Seamen's Friend Society," and by that name shall have all the general powers and privileges made incident to a Corporation by law in this Province, for the purposes of carrying out the objects mentioned in the Preamble of this Act.

2. The said Corporation shall have power to hold real and personal estate to an extent not exceeding thirty thousand pounds, and for the purpose of raising money to purchase such estate and conduct the business of the Corporation, may issue any number of shares, not exceeding three thousand, of the value of ten pounds each, the whole amount of each share being paid up at the time of issuing the same.

3. The first meeting of the said Society may be called by the Reverend Edward Nathan Harris, or any three of the Corporation herein named, at which meeting thirteen Directors of the said Society shall be chosen by the holders of shares therein, each of such Directors being a holder of at least ten shares in the said Society.

4. The Directors at their first meeting shall choose one of their number President of the Society, and he and they shall continue in office until others are elected in their stead.

5. The Directors may appoint a Secretary, Treasurer, Chaplain, and such other officers as may be necessary for carrying out effectually the objects of the Society.

6. There shall be an annual general meeting of the shareholders of the Society held in the City of Saint John, at which

Directors shall be chosen and a general statement of its affairs in every respect shall be submitted. In the choice of Directors, and on all occasions when the votes of the shareholders are given, each share shall entitle the party holding it to one vote.

7. No greater rates of interest or dividend shall be allowed or paid on the said shares than six per cent. per annum.

8. The joint stock and property of the said Corporation shall be alone responsible for the debts and engagements of the same, and the shares in the same shall be deemed and taken to be personal estate.

9. The said Corporation may receive, take, and hold real and personal estate by gift, grant, devise, or bequest, to any amount not exceeding thirty thousand pounds, and hold the same in trust for the objects of the said Corporation.

10. All matters relating to the management of the said Corporation not provided for by this Act, shall be regulated by bye laws of the same; but all bye laws shall be submitted to the Lieutenant Governor in Council, and may be disallowed by order in Council within sixty days after the same are so submitted, but not afterwards.

MECHANICS' INSTITUTES.

2nd VICTORIA—CHAPTER 18.**An Act to incorporate the Saint John Mechanics' Institute.**

Section 1.—Incorporation of Institute.

Passed 23rd March 1839.

Be it enacted, &c.—1. There shall be established and located in the City of Saint John, an Association by the name of “The Mechanics' Institute of Saint John,” for the purpose of instructing Mechanics and others in popular and useful science, and Beverley Robinson, John Duncan, George D. Robinson, M. H. Perley, John G. Sharp, William Jack, Alexander Lawrence, and such other persons as are or may become members of the said Institute, shall be and they are hereby constituted a body corporate for that and no other purpose, by the name aforesaid, with all the general powers and privileges incident to Corporations by Act of Assembly in this Province; provided always, that the real estate which the said Corporation may at any time hold shall not exceed five thousand pounds.

8th VICTORIA—CHAPTER 50.**An Act to incorporate the King's County Mechanics' Institute.**

Section 1.—Incorporation of Institute.

Passed 27th March 1845.

Be it enacted, &c.—1. There shall be established and located at Hampton Ferry, King's County, an Association by the name of “The Mechanics' Institute of King's County,” for the purpose of instructing Mechanics and others in morality, literature, and the different branches of useful science, and S. Z. Earle, Oliver Hallett, James D. Perkins, Gildford Flewelling, Isaac Hoyt, James Stark, S. Z. Earle, Junior, M. D., and such other persons as are or may become members of the said Institute, shall be and they are hereby constituted a body corporate for that and no other purpose, by the name aforesaid, with all the general powers and privileges incident to Corporations by Act of Assembly of this Province; provided

always, that the real estate which the said Corporation may at any time hold shall not exceed five hundred pounds.

10th VICTORIA—CHAPTER 22.

An Act to incorporate the Miramichi Mechanics' Institute.

Section 1.—Incorporation of Institute.

Passed 12th March 1847.

Be it enacted, &c.—1. The Miramichi Mechanics' Institute, now established in the Town of Chatham, in the County of Northumberland, for the purpose of instructing Mechanics and others in physics, literature, and the different branches of science, be incorporated; and the Honorable Joseph Cunard, James Johnson, James A. Pierce, George Kerr, John M. Johnson, Junior, Gavin Rennie, George Johnston, John Petrie, George Letson, William Manderson, John Nicholson, John M'Dougall, John Hea, James Caie, Shepherd J. Frost, William Rennie, and Michael Dunn, and such other persons as are or may become members of the said Institute, shall be and they are hereby constituted a body corporate for that and no other purpose, by the name aforesaid, with all the general powers and privileges incident to Corporations by Act of Assembly of this Province; provided always, that the real estate which the said Corporation may at any time hold shall not exceed eight hundred pounds.

11th VICTORIA—CHAPTER 59.

An Act to incorporate the Dorchester Temperance Hall and Mechanics' Institute.

Section 1.—Incorporation of Institute.

Passed 30th March 1848.

Be it enacted, &c.—1. The Dorchester Temperance Hall and Mechanics' Institute, now established in the Village of Dorchester, in the County of Westmorland, for the purpose of instructing Mechanics and others in the different branches of science, be incorporated; and the Honorable Edward B. Chandler, William Wilson, Thomas S. Sayre, Christopher Milner, Thomas Keillor, John Hickman, Senior, Gideon Palmer, John Weldon, Amasa Weldon, John Robb, Albert J.

Smith, John Hickman, Junior, Charles E. Knapp, Andrew Weldon, John C. Turner, Robert B. Chapman, David Chapman, Edward B. Chandler, Junior, and such others as are or may become members of the said Institute, shall be and they are hereby constituted a body corporate for the purposes above mentioned, and none other, by the name aforesaid, with all the general powers and privileges incident to Corporations by Act of Assembly in this Province ; provided always, that the real estate which the said Corporation may at any time hold shall not exceed the sum of eight hundred pounds.

11th VICTORIA—CHAPTER 60.

An Act to incorporate the Woodstock Mechanics' Institute.

Section 1.—Incorporation of Institute.

Passed 30th March 1848.

Be it enacted, &c.—1. The Woodstock Mechanics' Institute, now established in the Town of Woodstock, in the County of Carleton, for the purpose of instructing Mechanics and others in physics, literature, and the different branches of science, be incorporated ; and John Bedell, Richard English, William T. Baird, Charles H. Connell, James Robertson, J. N. Baker, William Lindsay, George W. Cleary, Edwin R. Parsons, Robert A. Hay, and such other persons as are or may become members of the said Institute, shall be and they are hereby constituted a body corporate for that and no other purpose, by the name aforesaid, with all the general powers and privileges incident to Corporations by Act of Assembly of this Province ; provided always, that the real estate which the said Corporation may at any time hold shall not exceed eight hundred pounds.

13th VICTORIA—CHAPTER 5.

An Act to incorporate the Newcastle and Douglastown Mechanics' Institution.

Section 1.—Incorporation of Institute.

Passed 11th April 1850.

Be it enacted, &c.—1. The Newcastle and Douglastown Mechanics' Institution, now established in the Parish of New-

castle, in the County of Northumberland, for the purpose of instructing Mechanics and others in physics, literature, and the different branches of science, be incorporated; and the Honorable Alexander Rankin, Thomas C. Allan, David Johnston, Daniel Witherell, Alexander Jessamine, William Loch, Edward Williston, the Reverend William Henderson, William A. Black, Richard Hutchison, James Murray, John Sievwright, Oliver Willard, Robert T. Miller, Alexander M'Killop, John Wyse, William Parker, Charles Marshall, and John Begnal, and such other persons as are or may become members of the said Institute, shall be and they are hereby constituted a body corporate for that and no other purpose, by the name aforesaid, with all the general powers and privileges incident to Corporations by Act of Assembly of this Province; provided always, that the real estate which the said Corporation may at any time hold shall not exceed eight hundred pounds.

15th VICTORIA—CHAPTER 80.

An Act to incorporate the Hillsborough Temperance Hall and Mechanics' Institute.

Section 1.—Incorporation of Institute.

Passed 7th April 1852.

Be it enacted, &c.—1. The Hillsborough Temperance Hall and Mechanics' Institute, established in Hillsborough, in the County of Albert, for the purpose of disseminating temperance principles and instructing Mechanics and others in the different branches of science, be incorporated; and William Wallace, William H. Steves, John Lewis, Isaac Steves, and Samuel Gross, and such others as are or may become members of said Institute, shall be and they are hereby constituted a body corporate for the purposes above mentioned, and none other, by the name aforesaid, with all the general powers and privileges incident to Corporations by Act of Assembly of this Province; provided always, that the real estate which the said Corporation may at any time hold shall not exceed the sum of eight hundred pounds.

CEMETERIES.

9th GEORGE 4th—CHAPTER 26.

An Act to empower the Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Saint John, to dispose of lots in the new Burial Ground in the vicinity of the said Parish.

Section.

1. Authority to sell Burial Ground, &c., in whom.
2. Plan of lots in, by whom made, where kept, &c.

Section.

3. Lots in, how sold, not to be taken in execution, &c.
4. Rights reserved.

Passed 5th April 1828.

WHEREAS the Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Saint John, have by their petition to the General Assembly set forth that they have lately purchased from George G. Gilbert a lot of ground, situate in the Parish of Portland, in the vicinity of the City of Saint John, for a Burying Ground, and divided the same into small lots, which they are desirous of selling to such individuals as may be willing to purchase the same; which said land is bounded as follows:—Beginning at the southwest corner of the public road leading to the sand flats; thence south eighty degrees west along the easterly line of the great Westmorland road towards the Aboideau, six hundred and thirty feet; thence south ten degrees east, five hundred and fifty feet; thence north eighty degrees east, seven hundred and thirty five feet, or until it meets the western line of the aforesaid road leading to the flats; thence north twenty one degrees thirty minutes west, five hundred and sixty feet, to the place of beginning;—

Be it therefore enacted, &c.—1. The said Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Saint John, shall be and they are hereby authorized and empowered to make sale of the said burying ground, or any part or parts thereof, for such price or prices, and under and subject to such conditions, covenants, agreements, and regulations as by them may be deemed necessary or proper; and thereupon to make and execute good, legal, and sufficient conveyances of the same, any former law to the contrary notwithstanding.

2. And whereas the making separate conveyances of each of the said small lots, into which the said burial ground is

divided, would be attended with great trouble and expense ;— The said Rector, Church Wardens, and Vestry shall make or cause to be made a plan or plot of the said burying ground as divided into lots, distinguishing the lots by certain numbers marked on the said plan ; which said plan shall remain in the care and keeping of the Clerk of the Vestry for the time being, and one true and exact counterpart thereof shall be deposited in the office of Register of Deeds of the City and County of Saint John, and one other counterpart shall be deposited in the Common Clerk's office of the said City and County ; all or any of which said plans may at all proper times be seen and inspected by any person desirous of viewing the same ; and the names of several purchasers in severalty may be included in one deed or conveyance, mentioning the numbers of the lots so conveyed to the said purchasers respectively, and referring to the plan or plot of the said ground ; which said deed so made to several purchasers shall be good, valid, and effectual, without the mention or insertion therein of the particular consideration paid for the same, such deeds being duly registered in the Register's office for the said City and County.

3. Provided always, that such lots shall not be assigned or transferred by the purchasers thereof without the assent of the said Rector, Church Wardens, and Vestry ; and they shall not be liable to be levied upon or taken in execution, but shall be altogether free from seizure at the suit of any person or persons whomsoever ; and the property in any one of such burial lots, or part thereof, shall not prevent any confined debtor from receiving support under the law in force for the relief and support of confined debtors.

4. Nothing in this Act contained shall extend or be construed to affect the rights of any person or persons, body politic or corporate whatsoever, other than the said Rector, Church Wardens, and Vestry.

11th VICTORIA—CHAPTER 56.

An Act for the incorporation of the Saint John Rural Cemetery Company.

Section.

1. Incorporation of Company.
2. Capital stock.

Section.

3. Assessments on shares.
4. Boundaries of Cemetery.

Section.

5. What proprietors to be members of Corporation.
6. Annual general meeting, when held, &c.
7. Directors, duties of.
8. Who entitled to vote.
9. Shares assignable.
10. Vacancies in Directorship, how filled.

Section.

11. Shareholders when members. In whom property vested.
12. Funds, how appropriated.
13. Punishment of certain offences in Cemetery.
14. Lots in Cemetery, what not liable to.

Passed 30th March 1848.

WHEREAS from the great increase of the population of the City and County of Saint John, the want of a suitable place for the burial of the dead is much required;—

Be it therefore enacted, &c.—1. Robert Jardine, the Honorable Robert L. Hazen, Beverley Robinson, James Pettingell, Solomon Hersey, William G. Lawton, George P. Peters, John M. Walker, William Parks, Charles Drury, Adam Jack, and LeBaron Botsford, their associates, successors, and assigns, be and they are hereby declared to be a body politic and corporate, by the name of “The Corporation of the Saint John Rural Cemetery Company,” and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province.

2. The capital stock of the said Corporation shall consist of the sum of three thousand pounds, and shall be divided into twelve hundred shares of two pounds ten shillings each, and be paid in such sums and at such time and times as the Directors of the said Corporation shall from time to time appoint; and every shareholder in the said Corporation shall have and be entitled to have a certificate under the seal of the said Corporation, and signed by the President and Secretary thereof, certifying his property in such shares as shall be expressed in the certificate.

3. Whenever any assessment shall be made, it shall be the duty of the Treasurer to give notice thereof in two or more Newspapers printed in the said City of Saint John, requiring payment of the same within thirty days; and if any shareholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his share or shares at the time prescribed, it shall be the duty of the Treasurer to advertise such delinquent share or shares for sale at public auction, giving at least ten days notice of the time and place of such sale; and such share or shares upon which the assessment or assessments, or instalment thereof, shall then remain unpaid, shall

be sold to the highest bidder, and such sale shall be a legal transfer of the share or shares so sold, to the purchaser or purchasers thereof, and shall be recorded accordingly in the book so to be kept by the Directors for that purpose as aforesaid, and such purchaser or purchasers shall be entitled to receive a certificate in the form prescribed in the fifth Section of this Act.

4. And whereas a piece of land containing one hundred and ten acres, and lately belonging to the late James Peters, Junior, and Henry Gilbert, Esquire, situate in the Parish of Simonds, in the County of Saint John, has been secured for the purpose of a burying ground, and with the exception of a portion which has been laid aside for the Church of England, shall be for ever free to all denominations of christians, to be divided into lots and sold to such individuals as may be willing to purchase the same, and which said land is described as follows, to-wit :— Beginning on the northeastern side of the Marsh road at the northwest corner of lands owned by Thomas Trafton ; thence north forty seven degrees thirty minutes west along the Marsh road, twenty chains ninety one links, to the southwestern line of Wiggin's marsh ; thence south forty degrees east to edge of upland ; thence along the edge of upland and marsh to the southwest line of Jarvis' upland ; thence south forty degrees east twenty three chains, to the old Westmorland road ; thence along the old Westmorland road thirty seven chains southwesterly to the northeastern line of Thomas Trafton's farm ; thence north forty degrees west twenty seven chains and fifty links, to the place of beginning ;—The said land above described, be and hereby is declared to be exempted from all rates, assessments, and taxes, so long as the same shall remain dedicated to the purposes of a Cemetery.

5. All persons who shall hereafter become proprietors of lots in the Cemetery aforesaid, of a size not less each than one hundred and fifty square feet, shall thereby become members of the said Corporation, and shall have and be entitled to have a Certificate under the Seal of the Corporation, signed by the Secretary, in the form following :—

Saint John Rural Cemetery Company.

No. —

This is to certify, that A. B. is the proprietor of lot number
 , containing square feet, on Avenue, (or

Path,) in the Saint John Rural Cemetery Company, situate in the Parish of Simonds, in the County of Saint John, subject to the rules, regulations, and bye laws of the said Corporation, and for which he has this day paid the sum of .

[L.S.] In testimony whereof, the Seal of the said Corporation is hereunto affixed, the day of , A. D. 18 .

C. D., *Secretary.*

And such Certificate shall constitute a valid instrument of transfer of such lot or lots as may be expressed therein, and shall be held by the purchaser or purchasers thereof for the use of burial only, subject nevertheless, to all the bye laws of the said Corporation.

6. A general meeting of the stockholders and proprietors of the said Corporation shall be held at the City of Saint John on the first Monday in [the word here omitted is repealed by 17 V. c. 56, s. 1,] in each and every year, for the purpose of choosing twelve Directors for the management of the said Corporation; which Directors, so chosen, shall remain in office for one year, or until others are chosen in their stead, and shall at their first meeting after their election choose one of their number President of the said Corporation; provided always, that not less than five Directors do form a quorum for the transaction of business; and in case of the absence of the President, the Directors shall have power to appoint one of their number Chairman for the occasion.

7. The Directors for the time being shall and may appoint a Secretary and Treasurer, and such other officers, clerks, and servants as they, or the major part of them, shall think necessary for executing the business of the said Corporation, and shall allow them (out of the funds of the said Corporation) such compensation for their respective services as to them shall appear reasonable and proper; and the Directors shall likewise exercise such other powers and authorities, for the well regulating the affairs and managing the business of the said Corporation, as shall be prescribed by the bye laws.

8. Every person owning a share in the capital stock of the said Corporation, and every proprietor of a lot of not less each than one hundred and fifty square feet, shall be a member of the said Corporation, and entitled to vote at all

meetings of the said Corporation, and members may give as many votes as they may own shares, and absent members may vote by proxy, such proxy being a shareholder, and producing sufficient authority in writing from his constituent ; provided nevertheless, that no stockholder, by himself or proxies, shall have more than one hundred votes.

9. The shares of the said Corporation shall be assignable and transferable according to such rules and regulations as may be established in that behalf, but no assignment or transfer shall be valid and effectual unless the same shall be entered and registered in a book to be kept by the Directors for that purpose.

10. In case of any vacancy among the Directors by death, resignation, disqualification, or otherwise, then and in either of such cases the said Directors shall and may fill up such vacancy by choosing one of the shareholders or proprietors of lots of not less each than one hundred and fifty square feet, and the person so chosen by the Directors shall serve until another is chosen in his room.

11. The several shareholders in the said Corporation shall be members of the same until they be repaid (out of the funds of the said Corporation) the amounts by them respectively invested, together with interest on the same at the rate of eight per centum per annum, when they shall cease to have any interest in the said Cemetery ; and the property shall from thence be vested in Robert Jardine, Henry Gilbert, John M. Walker, George P. Peters, James Pettingell, William G. Lawton, LeBaron Botsford, William Parks, Adam Jack, and Edward B. Peters, (being the present proprietors of lots in the said Cemetery,) and all future proprietors of lots of not less each than one hundred and fifty square feet.

12. From and after the payment to the several shareholders of the amount so invested by them respectively, together with interest, as in and by the eleventh Section is provided, the proceeds of all sales of lots, after deducting the annual expenses of the said Cemetery, shall be for ever devoted and applied to the preservation, improvement, embellishment, and enlargement of the said Cemetery, and for no other purpose whatsoever.

13. If any person or persons shall wilfully destroy, mutilate,

injure, or remove any tomb, monument, grave stone, or other structure placed in the Cemetery aforesaid, or any fence, railing, or other work for the protection or ornament of any tomb, monument, grave stone, or other structure aforesaid, or shall wilfully destroy, remove, cut, break, or injure any tree, shrub, or plant, within the limits of the said Cemetery, or shall play at any game or sport, or discharge any gun or other fire arm, save at a military funeral, within the said Cemetery, or who shall wilfully and unlawfully disturb any persons assembled in the Cemetery for the purpose of burying any body therein, or who shall commit any nuisance within the said Cemetery, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any Justice of the Peace, be punished by a fine of not less than one pound nor more than five pounds, or be committed to the common gaol for the space of not more than ten days, according to the nature and aggravation of the offence; and such offender shall also be liable in an action of trespass to be brought against him in any Court of competent jurisdiction, in the name of the Corporation of the Saint John Rural Cemetery Company, to pay all such damages as shall have been occasioned by his or their unlawful act or acts; which money, when recovered, shall be applied by the said Corporation to the reparation of the property destroyed or injured as above; and members of the said Corporation shall be competent witnesses in such suits.

14. The lots in the said Cemetery shall not be levied upon or taken in execution, but shall be altogether free from seizure at the suit of any person or persons whomsoever; and the property in any such burial lots, or part thereof, shall not prevent any confined debtor from receiving support under the law in force for the relief and support of confined debtors.

12th VICTORIA—CHAPTER 11.

An Act to empower the Rector, Church Wardens, and Vestry of Saint John Church, in the Parish of Burton, in the County of Sunbury, to dispose of lots in the new Burial Ground in the said Parish.

Section.

1. Burial Ground may be sold, by whom.
2. Plan to be made, by whom and where deposited, &c.

Section.

3. Lots when not to be transferred.
4. What rights reserved.

Passed 8th March 1849.

WHEREAS the Rector, Church Wardens, and Vestry of Saint John Church, in the Parish of Burton, in the County of Sunbury, have by their petition to the General Assembly set forth that they have lately purchased from Charles H. Clowes, a lot of ground situate in the said Parish of Burton, for a burying ground, and divided the same into small lots, which they are desirous of selling to such individuals as may be willing to purchase the same; which said land is bounded as follows:— Commencing northerly on the line between land granted originally to one Israel Kinney and others, and land formerly owned by Priscilla Hazen, and running south twenty degrees east eighty rods, to a stake and willow tree; thence east twenty degrees north twenty rods, to a small yellow birch tree and stake; and thence north twenty degrees west eighty rods, to a willow tree and stake; thence west twenty degrees south twenty rods, to the first mentioned bounds;—

Be it therefore enacted, &c.—1. The said Rector, Church Wardens, and Vestry of Saint John Church, in the Parish of Burton, shall be and they are hereby authorized and empowered to make sale of the said burying ground, or any part or parts thereof, for such price or prices, and under and subject to such conditions, covenants, agreements, and regulations as by them may be deemed necessary or proper, and thereupon to make and execute good, legal, and sufficient conveyances of the same, any former law to the contrary notwithstanding.

2. And whereas the making separate conveyances of each of the said small lots into which the said burial ground is divided, would be attended with great trouble and expense;— The said Rector, Church Wardens, and Vestry shall make or cause to be made a plan or plot of the said burying ground, as divided into lots, distinguishing the lots by certain numbers marked on the said plan, which said plan shall remain in the care and keeping of the Clerk of the Vestry for the time being; and one true and exact counterpart thereof shall be deposited in the office of the Register of Deeds of the County of Sunbury, and one other counterpart shall be deposited in the office of the Clerk of the Peace of the said County; all or any of which said plans may at all proper times be seen and inspected by any person desirous of viewing the same; and the names

of several purchasers in severalty may be included in one deed or conveyance, mentioning the numbers of the lots so conveyed to the said purchasers respectively, and referring to the plan or plot of the said ground ; which said deed so made to several purchasers, shall be good, valid, and effectual, without the mention or insertion therein of the particular consideration paid for the same, such deeds being duly registered in the Register's office for the said County of Sunbury.

3. Provided always, that such lots shall not be assigned or transferred by the purchasers thereof, without the assent of the said Rector, Church Wardens, and Vestry, and they shall not be liable to be levied upon or taken in execution, but shall be altogether free from seizure at the suit of any person or persons whomsoever ; and the property in any one of such burial lots, or part thereof, shall not prevent any confined debtor from receiving support under the law in force for the relief and support of confined debtors.

4. Nothing in this Act contained shall extend or be construed to affect the rights of any person or persons, body politic or corporate whatsoever, other than the said Rector, Church Wardens, and Vestry.

17th VICTORIA—CHAPTER 28.

An Act to incorporate the Fredericton Rural Cemetery.

Section.

1. Corporation, how constituted.
2. Capital stock what, how divided, and payment
3. First meeting, how called.

Section.

4. Cemetery, when exempt from taxes.
5. Punishment for what offences in Cemetery.
6. Property therein, and owner, from what proceedings exempt.

Passed 1st May 1854.

WHEREAS the want of a suitable place for the burial of the dead is much required in or near the City of Fredericton ;—

Be it therefore enacted, &c.—1. The Honorable John Ambrose Street, the Honorable William H. Odell, George Botsford, John Simpson, Spafford J. Barker, Robert Chestnut, Samuel W. Babbit, and Robert Gowan, Esquires, their associates, successors, and assigns, be and they are hereby declared to be a body politic and corporate, by the name of “ The Fredericton Rural Cemetery Company,” and by that name shall have all the general powers and privileges made incident to a Corporation by any Act or Acts of the General Assembly now

or hereafter to be in force in this Province, for the purpose of procuring and maintaining a Cemetery or burial ground in or near the City of Fredericton.

2. The capital stock of the said Corporation shall consist of the sum of two thousand pounds, and shall be divided into one thousand shares, to be paid in such sums and at such times as the Directors of such Corporation shall from time to time appoint.

3. The first meeting of the said Corporation shall be called by Robert Chestnut, Esquire, or in case of his death, neglect, or refusal, by any two of the said Company, by giving ten days notice of the time and place of such meeting.

4. The land purchased and held by the said Corporation for the purposes herein expressed, be and the same is hereby declared to be exempted from all rates, assessments, and taxes, so long as the same shall remain dedicated to the purpose of a Cemetery.

5. If any person or persons shall wilfully destroy, mutilate, injure, or remove any tomb, monument, grave stone, or other structure placed in the Cemetery aforesaid, or any fence, railing, or other work for the protection or ornament of any tomb, monument, grave stone, or other structure aforesaid ; or shall wilfully destroy, remove, cut, break, or injure any tree, shrub, or plant within the limits of the said Cemetery, or shall play at any game or sport, or shall discharge any gun or fire arm, save at a military funeral, within the said Cemetery ; or who shall wilfully and unlawfully disturb any persons assembled in the said Cemetery for the purpose of burying any body therein, or who shall commit any nuisance within the said Cemetery, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any Justice of the Peace, be punished by a fine of not less than one pound or more than five pounds, or be committed to the common gaol for the space of not more than thirty days, according to the nature and aggravation of the offence ; and such offender shall be liable to an action of trespass, to be brought against him in any Court of competent jurisdiction, in the name of the Corporation, to pay all such damages as shall have been occasioned by his or their unlawful act or acts ; which money, when recovered, shall be applied by the Corporation to the reparation of the property destroyed or injured as above, and members of the Corporation shall be competent witnesses in such suits.

6. The lots in the said Cemetery shall not be levied upon or taken in execution, but shall be altogether free from seizure, and the property in the same or any part thereof shall not prevent any confined debtor from receiving support under the law for the relief and support of confined debtors.

17th VICTORIA—CHAPTER 49.

An Act relating to the Roman Catholic Burial Ground in the Parish of Portland, City and County of Saint John.

Section.

1. No burial within, from what time, and exception.

Section.

2. Penalty for burying contrary to Act, and removal of corpse, when.
3. Saving in behalf of present proprietors.

Passed 1st May 1854.

WHEREAS from the great increase in the extent and population of the Parish of Portland, it is apprehended that the interment of the dead in the Roman Catholic burial ground, adjacent to the Indian Town Road, so called, in the above Parish, if continued, may be detrimental to the health of the inhabitants of the said Parish;—

Be it therefore enacted, &c.—1. Upon and after the first day of May next, it shall not be lawful to inter, bury, or place the corpse of any deceased person within the said burial ground; provided always, that nothing herein contained shall apply to prevent the remains of Patrick Power, of the City of Saint John, being interred in the said ground.

2. If any person or persons shall, on or after the first day of May next, inter, bury, or place, or shall aid or assist in interring, burying, or placing any corpse within the said burial ground, except as before excepted, he, she, or they so offending, shall forfeit and pay the sum of one hundred pounds, to be recovered by an action of debt in any of Her Majesty's Courts of Record in this Province, on the complaint of any freeholder in the said Parish of Portland, by and in the name of the County Treasurer of the City and County of Saint John; the said fine, when recovered, to be paid and applied to the Commissioners of the Alms House for the City and County of Saint John, for the use of the poor thereof; and it shall and may be lawful for the Police Magistrate of the said Parish of Portland, and he is hereby required to order and direct the

disinterring and removal of any corpse interred, buried, or placed in the said burial ground contrary to the provisions of this Act, and to cause the same to be decently interred in any other burial ground, at the discretion of said Magistrate.

3. Nothing in this Act shall be construed to affect the title of the present proprietor or proprietors to the above burial ground for any lawful purpose whatever, save and except the interring, burying, or placing of the dead in the said burial ground.

17th VICTORIA—CHAPTER 56.

An Act to amend an Act for the Incorporation of the Saint John Rural Cemetery Company.

Section.

1. Annual meeting, when held.

Section.

2. Tenure of lots in Cemetery, &c.

Passed 3rd May 1853.

WHEREAS the time for holding the annual general meeting of the Saint John Rural Cemetery Company is found very inconvenient, and it has become necessary that the same should be altered;—

Be it therefore enacted, &c.—1. So much of the sixth Section of the Act of incorporation as applies to the holding of the annual general meeting of the said Company is hereby repealed; and in lieu thereof, from and after this present year, the annual general meeting of the stockholders and proprietors of the said Company shall be held on the first Monday in April in each and every year, for the purpose of choosing Directors, &c., as expressed in and by the said sixth Section.

2. The lots in the said Cemetery shall be indivisible, but upon the death of any proprietor of any lot in the said Cemetery containing not less than one hundred and fifty square feet, the devisee of such lot, or the heir at law, as the case may be, shall be entitled to all the privileges of membership, and if there be more than one devisee or heir at law of such lot, the Directors for the time being shall designate which of the said devisees or heirs at law shall represent the said lot and vote in the meetings of the Corporation, but nothing herein contained shall prevent the heirs at law of such proprietor of a lot from burying in the same lot under the bye laws of the said Company.

AGRICULTURAL SOCIETIES.**10th VICTORIA—CHAPTER 23.****An Act to incorporate the Charlotte County Agricultural Society.**

Section.

1. Incorporation of Society.
2. Annual meeting for election of officers.

Section.

3. What officers to continue.

Passed 12th March 1847.

WHEREAS Samuel Frye, John Strang, Robert Pagan, Christopher Scott, Thomas Wyer, Harris Hatch, Jerome Alley, John Dunn, Daniel MacMaster, John Wilson, Joseph Walton, Lawrence Williams, and others, inhabitants of the County of Charlotte, did in the year one thousand eight hundred and twenty, form themselves into a Society for the promotion of Agriculture in the said County, which said Society has been ever since in active and useful operation: And whereas the said Society, from not being incorporated, is subject to many inconveniences, and has in consequence thereof been found unable in many instances efficiently to carry out the intentions and promote the objects of the Society;—

Be it therefore enacted, &c.—1. Samuel Frye, Thomas Wyer, Harris Hatch, Joseph Walton, John Wilson, George F. Campbell, Samuel Getty, Thomas Turner, Adam W. Smith, James W. Chandler, William Maclean, Charles R. Hatheway, Wellington Hatch, Alexander T. Paul, Henry O'Neil, and all such other persons as are now or may hereafter be admitted members of the said Society, their associates and successors, be and they are hereby erected into a body corporate, under the name and style of "The Charlotte County Agricultural Society," for the purpose of promoting and encouraging Agriculture, and rural and domestic economy and industry within the said County, and for these purposes shall have and enjoy all general powers made incident to Corporations by the Act of the General Assembly of this Province made and passed in the sixth year of the Reign of His late Majesty King William the Fourth.

2. There shall be a general meeting of the members of the said Corporation, to be annually holden on the second Tuesday in January in each and every year, at Saint Andrews, in the

said County ; at which annual meeting there shall be chosen by a majority thereof, one President, two Vice Presidents, a Treasurer, Secretary, and nine Committee men, who shall continue in office for one year, or until others are chosen in their room ; in the choice of which, each member of the said Corporation shall have one vote for each of the aforesaid officers, and every member may vote by proxy, provided such proxy be a member, and previously to voting produce a sufficient authority in writing from his constituent or constituents.

3. And whereas at a general meeting of the members of the Society hereby incorporated, held at Saint Andrews, in the County of Charlotte aforesaid, one President, two Vice Presidents, a Treasurer, Secretary, and nine Committee men, were elected by the votes of the said members for the current year ;— The said officers so elected as aforesaid, are hereby declared to be the officers of the said Corporation until the second Tuesday in January next, or until others be chosen in their stead.

11th VICTORIA—CHAPTER 53.

An Act to incorporate the King's County Central Agricultural Society.

Section.

1. Incorporation of Society.

Section.

2. Annual meeting for choice of Directors, &c.

Passed 30th March 1848.

WHEREAS Elias Wetmore, Ebenezer Smith, Allen Otty, Oliver Hallett, George Crawford, Daniel Hatfield, Robert Matthew, Isaac Raymond, Monmouth Fowler, James Fairweather, Sylvester Z. Earle, John Hayes, and others, inhabitants and landowners in the Parishes of Norton and Hampton, in King's County, have formed themselves into a Society for the promotion and improvement of Agriculture in the said Parishes, and it would be more beneficial to the interests of the said Society, and enable them more effectually to carry out the intentions and promote the objects thereof, if the said Society were incorporated ;—

Be it therefore enacted, &c.—1. Elias Wetmore, Ebenezer Smith, Allen Otty, Oliver Hallett, George Crawford, Daniel Hatfield, Robert Matthew, Isaac Raymond, Monmouth Fowler,

James Fairweather, Sylvester Z. Earle, John Hayes, and all such other persons who are now or who may hereafter be admitted members of the said Society, their associates and successors, be and they are hereby erected into a body corporate, under the name and style of "The King's County Central Agricultural Society," for the purposes of promoting and encouraging Agriculture, and rural and domestic economy and industry within the said Parishes, and for these purposes shall have and enjoy all general powers made incident to Corporations by Act of Assembly of this Province.

2. There shall be a general meeting of the members of the said Corporation to be annually held on the first Monday in September in each and every year, at Hampton Ferry, in the said County; at which annual meeting there shall be chosen by a majority thereof, six Directors from each Parish; which said Directors when so elected as aforesaid shall choose from their own body, one President, and shall also choose a Vice President for each Parish hereinbefore named, and shall also appoint a Secretary and Treasurer from among the members of the said Society; which said officers, when so chosen, elected, and appointed as aforesaid, shall continue in office for one year, or until others are chosen, elected, and appointed in their room; in the choice of which said Directors each member of the said Corporation shall have one vote for each Director, and every member may vote by proxy, provided such proxy be a member, and previously to voting, produce a sufficient authority in writing from his constituent and constituents.

11th VICTORIA—CHAPTER 54.

An Act to incorporate the Carleton County Agricultural Society.

Section.

1. Incorporation of Society.
2. Annual meeting for choice of officers, &c.

Section.

3. What officers to continue.

Passed 30th March 1848.

WHEREAS John Dibblee, Charles Perley, Charles Peabody, James R. Tupper, Charles Emery, Richard English, James Robertson, Henry E. Dibblee, Elisha A. Cunliffe, Gilbert Spurr, James Ketchum, Ralph Ketchum, Joseph Harvey, Benjamin Churchill, and others, inhabitants of the County of

Carleton, did in the year one thousand eight hundred and forty, form themselves into a Society for the promotion of Agriculture in the said County, which said Society has been ever since in active and useful operation : And whereas the said Society, from not being incorporated, is subject to many inconveniences, and has in consequence thereof been found unable, in many instances, efficiently to carry out the intentions and promote the object of the Society ;—

Be it therefore enacted, &c.—1. John Dibblee, Charles Perley, Charles Peabody, James R. Tupper, Charles Emery, Richard English, James Robertson, Gilbert Spurr, Henry E. Dibblee, Elisha A. Cunliffe, James Ketchum, Ralph Ketchum, Joseph Harvey, William J. Baird, Benjamin Churchill, and all other such persons as are now or may hereafter be admitted members of the said Society, their associates and successors, be and they are hereby erected into a body corporate, under the name and style of “The Carleton County Agricultural Society,” for the purpose of promoting and encouraging Agriculture, and rural and domestic economy and industry within the said County, and for these purposes shall have and enjoy all general powers made incident to Corporations by the Act of the General Assembly of this Province passed in the sixth year of the Reign of His late Majesty King William the Fourth.

2. There shall be a general meeting of the members of the said Corporation, to be annually holden on [the words here omitted is repealed by 13 V. c. 20, s. 1,] in each and every year, at Woodstock, in the said County ; at which annual meeting there shall be chosen by a majority thereof, one President, ten Vice Presidents, a Treasurer, and Secretary, who shall continue in office for one year, or until others are chosen in their room ; in the choice of which, each member of the said Corporation shall have one vote for each of the aforesaid officers, and every member may vote by proxy, provided such proxy be a member, and previously to voting, produce a sufficient authority in writing from his constituent or constituents.

3. And whereas at a general meeting of the members of the Society hereby incorporated, held at Woodstock, in the County of Carleton aforesaid, one President, ten Vice Presidents, a

Treasurer, and Secretary, were elected by the votes of the said members for the current year ;—The said officers so elected as aforesaid, are hereby declared to be the officers of the said Corporation until the Monday next before the last Tuesday in September next, or until others are chosen in their stead.

13th VICTORIA—CHAPTER 13.

An Act to incorporate the King's County Union Agricultural Society.

Section.

1. Incorporation of Society.

Section.

2. Annual meeting.

Passed 11th April 1850.

WHEREAS James Peters, President, Walter B. Scovil and James Dann, Vice Presidents, Nathan Ganong, James Perkins, Jeremiah Mabee, Senior, and Seth Eeb, Directors, and other inhabitants and landowners in the Parishes of Springfield and Kingston, have formed themselves into a Society for the promotion and improvement of Agriculture in said Parishes; and it would be more beneficial to the interests of said Society, and enable them more effectually to carry out the intention and promote the object thereof, if the said Society were incorporated;—

Be it therefore enacted, &c.—1. James Peters, and the Directors, and all such other persons who are now or who may hereafter be admitted members of the said Society, their associates and successors, be and they are hereby erected into a body corporate, under the name and style of “The King's County Union Agricultural Society,” for the purpose of promoting and encouraging Agriculture, and rural and domestic economy and industry within the said Parishes, and for these purposes shall have and enjoy all general powers made incident to Corporations by Act of Assembly of this Province.

2. There shall be a general meeting of the members of said Corporation, to be held annually, at or near Mr. Moses Dru's, in the said County, on the second Tuesday in October; at which annual meeting there shall be chosen thirteen Directors; which said Directors, when so elected, shall choose from their body one President, two Vice Presidents, and shall also appoint a Secretary and Treasurer from among the members of

said Society ; which said officers, when so chosen and appointed, shall continue in office for one year, or until others are chosen and appointed in their room ; in the choice of which Directors each member shall have one vote for each Director, and every member may vote by proxy, provided such proxy be a member, and personally produce a sufficient authority in writing from his constituent.

13th VICTORIA—CHAPTER 17.

An Act to incorporate the Agricultural Society of Sunbury.

Section 1.—Incorporation of Society.

Passed 26th April 1850.

Be it enacted, &c.—1. There shall be established and located in the County of Sunbury an Association, by the name of “The Agricultural Society of Sunbury,” for the purpose of encouraging Agriculture ; and George Hayward, Thomas O. Miles, Honorable Charles Harrison, Calvin L. Hatheway, William Burpe, Thomas Harrison, Isaac Burpe, Nathaniel Hubbard, John Hazen, Charles H. Clowes, John L. Wilmot, John Glazier, George H. N. Harding, Thomas Hartt, Charles Hazen, and William E. Perley, and such other persons as are or may become members of the said Society, shall be and they are hereby constituted a body corporate, by the name aforesaid, with all the general powers and privileges incident to Corporations by Act of Assembly in this Province.

13th VICTORIA—CHAPTER 20.

An Act to alter and amend the Act incorporating the Carleton County Agricultural Society.

Section.

1. General meeting altered.

Section.

2. Officers, how long to continue.

Passed 26th April 1850

WHEREAS in and by the Act of the General Assembly, eleventh Victoria, Chapter fifty four, incorporating the Carleton County Agricultural Society, it is provided by the second Section of the said Act that the general meeting of the members of the said Corporation for the election of officers, be held on the Monday next before the last Tuesday in September in

each and every year, which period is found to be inconvenient : And whereas it is deemed advisable that such election should be held at a later period of the year, to enable the Board of Officers to close the business of such Society for the past year before others are appointed in their stead ;—

Be it therefore enacted, &c.—1. From and after the passing of this Act, the general meeting of the members of said Corporation for the election of officers, as provided by the second Section of the said Act, shall be held on the second Tuesday in December in each and every year.

2. And whereas at a general meeting of the members of said Corporation held at Woodstock on the Monday next before the last Tuesday in September last, one President, two Vice Presidents, a Treasurer, and Secretary, were elected by the votes of the said members for the current year ;—The said officers so elected as aforesaid, shall continue in office until the second Tuesday in December next, or until others are chosen in their stead, any thing in the said Act to the contrary notwithstanding.

14th VICTORIA—CHAPTER 6.

An Act to incorporate the Simonds Agricultural Society.

Section.

1. Incorporation of Society.
2. Annual meeting.

Section.

3. Officers how long to continue.

Passed 30th April 1851.

WHEREAS Asa Upton, John Boyer, Newman Raymond, Charles R. Upton, Thomas Shaw, James Buchanan, Charles S. Appleby, John A. C. Nicholson, Matthew S. Phillips, George R. Boyer, and others, inhabitants of the Parish of Simonds, County of Carleton, did in the year one thousand eight hundred and forty eight, form themselves into a Society for the promotion of Agriculture in the said Parish, which said Society has been ever since in active and useful operation : And whereas the said Society, from not being incorporated, is subject to many inconveniences, and has, in consequence thereof, been found unable in many instances efficiently to carry out the intentions and promote the object of the Society ;—

Be it therefore enacted, &c.—1. Asa Upton, John Boyer, Newman Raymond, Charles R. Upton, Thomas Shaw, James

Buchanan, Charles S. Appleby, John A. C. Nicholson, Matthew S. Phillips, George R. Boyer, and all other such persons as are now or may hereafter be admitted members of the said Society, their associates and successors, be and they are hereby erected into a body corporate, under the name and style of "The Simonds Agricultural Society," for the purpose of promoting and encouraging Agriculture, and rural and domestic economy and industry within the said Parish; and for these purposes shall have and enjoy all general powers made incident to Corporations by the Act of the General Assembly of this Province passed in the sixth year of the Reign of His late Majesty King William the Fourth.

2. There shall be a general meeting of the members of the said Corporation, to be annually holden on the third Tuesday in October in each and every year, at or near the farm and residence of Newman Raymond, in the said Parish of Simonds; at which annual meeting there shall be chosen by a majority thereof, one President, ten Vice Presidents, a Treasurer, and Secretary, who shall continue in office for one year, or until others are chosen in their room; in the choice of which, each member of the said Corporation shall have one vote for each of the aforesaid officers.

3. And whereas at a general meeting of the members of the Society hereby incorporated, held at the Parish of Simonds aforesaid, one President, ten Vice Presidents, a Treasurer, and Secretary, were elected by the votes of the said members for the current year;—The said officers so elected as aforesaid, are hereby declared to be the officers of the said Corporation until the third Tuesday in October next, or until others are chosen in their stead.

14th VICTORIA—CHAPTER 16.

An Act to incorporate the Upham Agricultural Society.

Section.

1. Incorporation of Society.
2. Annual meeting.

Section.

3. Officers, how long to continue.

Passed 30th April 1851.

WHEREAS John Hagarty, John Titus, James Titus, Jonathan Titus, Ammon Fowler, Weden Fowler, James R. Fowler, Richard Bickford, Humphrey Smith, Adam Marchbank, Wil-

liam Sherwood, William Scott, Nicholas P. Wannamak, and other inhabitants of the Parish of Upham, in King's County, have formed themselves into a Society for the promotion of the science of Agriculture in the said Parish ; and it would be more beneficial to the interests of the Society, and enable them more effectually to carry out the intentions and promote the objects thereof, if the said Society were incorporated ;—

Be it therefore enacted, &c.—1. John Hagarty, John Titus, James Titus, Jonathan Titus, Ammon Fowler, Weden Fowler, James R. Fowler, Richard Bickford, Humphrey Smith, Adam Marchbank, William Sherwood, William Scott, Nicholas P. Wannamak, and all such persons who may now or may hereafter be admitted members of the said Society, their associates and successors, be and they are hereby erected into a body corporate, under the name and style of “The Upham Agricultural Society,” for the purposes of promoting and encouraging Agriculture, rural and domestic economy and industry within the said Parish, and shall have and enjoy all general powers incident to Corporations by Act of Assembly of this Province.

2. There shall be a general meeting of the said Society or Corporation, to be annually holden on the third Saturday in October in each and every year, at James Wannamak's, in the said Parish of Upham ; at which annual meeting there shall be chosen one President, two Vice Presidents, a Treasurer, and Secretary, who shall continue in office for one year, or until others are appointed in their room ; in the choice of which, each member of the said Corporation shall have one vote for each of the aforesaid offices.

3. And whereas at a general meeting of the members of the Society hereby incorporated, one President, two Vice Presidents, a Treasurer, and Secretary, were elected by the votes of the said members for the current year ;—The said officers so elected as aforesaid, are hereby declared to be the officers of said Society or Corporation until the third Saturday in October next, or until others are chosen in their stead.

14th VICTORIA—CHAPTER 17.

An Act to incorporate the County of Kent Agricultural Society.

Section.

1. Incorporation of Society.
2. Annual meeting.

Section.

3. Officers, how long to continue.

Passed 30th April 1851.

WHEREAS certain Farmers and other inhabitants of the County of Kent did, in the year one thousand eight hundred and fifty, form themselves into a Society for the encouragement of Agriculture in the said County, and they are desirous of being incorporated to enable them more effectually to carry out the objects of the said Society ;—

Be it therefore enacted, &c.—1. J. G. G. Layton, John Carruthers, D. M'Almon, John Main, J. C. Wheton, C. W. Weldon, Honorable John W. Weldon, David Wark, W. Brait, John Clark, Thomas Johnson, William Doherty, William M'Leod, L. P. W. Desbrisay, George Pagan, Lawrence M'Larren, John Power, Edward Powell, J. R. Creelman, Sylvanus Powell, Thomas Stennison, John Potter, James Mooney, John Mooney, and James M'Phelim, their associates and successors, be and they are hereby declared to be a body corporate, under the name and style of "The County of Kent Agricultural Society," for the encouragement of Agriculture, and for this purpose shall have and enjoy all the powers made incident to Corporations by an Act of the General Assembly of this Province made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to prescribe certain general regulations in respect to Corporations*.

2. There shall be a general meeting of the said Corporation annually holden on the second Monday in January in each and every year, at Richibucto, in the said County ; at which meeting there shall be chosen by a majority of the members, one President, two Vice Presidents, one Treasurer, two Secretaries, and twelve Directors, who shall continue in office one year, or till others are chosen in their room ; in the choice of which, each member of the Corporation shall have one vote for each of the aforesaid officers.

3. The officers chosen at a general meeting of the said Society, holden at Richibucto aforesaid, on the second Monday

in January last, be and they are hereby declared to be the officers of the said Society or Corporation till the second Monday in January next, or till others are chosen in their stead.

14th VICTORIA—CHAPTER 18.

An Act to incorporate the Sussex and Studholm Agricultural Society.

Section.

1. Incorporation of Society.
2. Annual meeting.

Section.

3. Officers, how long to continue.

Passed 30th April 1851.

WHEREAS Alleyn C. Evanson, John H. Ryan, Matthew M'Leod, George Ryan, John King, Senior, Daniel Sheck, and Richard Roach, Esquires, and Mr. James Roach, James Secord, Hugh M'Monagle, and James Macky, and others, inhabitants and proprietors of land in the said Parishes of Sussex and Studholm, in King's County, have formed themselves into a Society for the promotion and advancement of the science of Agriculture, which said Society has since the year one thousand eight hundred and forty one been in active and useful operation: And whereas the said Society, from not having been incorporated, has suffered much inconvenience, and has in consequence thereof been unable to carry out the objects of the Society in an efficient manner;—

Be it therefore enacted, &c.—1. Alleyn C. Evanson, John H. Ryan, Matthew M'Leod, George Ryan, John King, Senior, Daniel Sheck, James Secord, Hugh M'Monagle, and James Macky, and all such other persons as are now or may hereafter be admitted members of the said Society, their associates and successors, be and they are hereby erected into a body corporate, under the name and style of “The Sussex and Studholm Agricultural Society,” for the purpose of promoting and encouraging Agriculture and rural economy within the said Parishes, and for these purposes shall have and enjoy all general powers made incident to Corporations by the Acts of the General Assembly made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, and an Act made and passed in the twelfth year of the Reign of Her present Majesty Queen Victoria, Chapter thirty five, for the encouragement of Agriculture.

2. There shall be a general meeting of the said Corporation, to be annually holden on the first Tuesday in November in each and every year, at Sussex or Studholm, in King's County; at which annual meetings there shall be chosen by a majority thereof, one President, two Vice Presidents, two Secretaries, a Treasurer, and thirteen Committee men, who shall continue in office for one year, or until others are chosen in their room; in the choice of which, each member shall have one vote for each of the aforesaid officers.

3. And whereas at a general meeting of the members of the Society hereby incorporated, held at Sussex, in King's County aforesaid, one President, two Vice Presidents, two Secretaries, a Treasurer, and thirteen Committee men, were elected by the votes of the said members for the current year;—The said officers, so elected as aforesaid, are hereby declared to be officers of the said Corporation until the first Tuesday in November next, or until others be chosen in their stead.

14th VICTORIA—CHAPTER 19.

An Act to incorporate the Grand Lake, Queen's County, Agricultural Society.

Section.

1. Incorporation of Society.

Section.

2. Annual meeting.

Passed 30th April 1851.

WHEREAS John Earle, George W. Hobin, Thomas Cox, John Marshall, Gideon D. Bailey, David N. Hanselpecker, Ezekiel Stone, Stephen Thorne, and other inhabitants and land owners in the Parishes of Canning, Waterborough, and Chipman, in Queen's County, have formed themselves into a Society for the promotion and improvement of Agriculture in said Parishes, and it would be more beneficial to the interests of said Society, and enable them more effectually to carry out the intention and promote the object thereof, if the said Society were incorporated;—

Be it therefore enacted, &c.—1. John Earle, George W. Hobin, and the Directors, and all other persons who are now or who may hereafter be admitted members of the said Society, their associates and successors, be and they are hereby erected into a body corporate, under the name and style of "The

Grand Lake, Queen's County, Agricultural Society," for the purpose of promoting and encouraging Agriculture, and rural and domestic economy and industry within the said Parishes, and for these purposes shall have and enjoy all general powers made incident to Corporations by Act of Assembly of this Province.

2. There shall be a general meeting of the members of said Corporation, to be held annually at or near George W. Hobin's, in the said County, on the second Tuesday in October, at which annual meeting there shall be chosen nine Directors, which said Directors, when so elected, shall choose from their body one President, two Vice Presidents, and shall also appoint a Secretary and Treasurer from among the members of the said Society; which said officers when so chosen and appointed, shall continue in office for one year, or until others are chosen and appointed in their room, in choice of which Directors each member shall have one vote for each Director.

15th VICTORIA—CHAPTER 20.

An Act to incorporate the Saint Patrick Central Agricultural Society.

Section.

1. Incorporation of Society.
2. Annual meeting.

Section.

3. Officers, how long to continue.

Passed 18th February 1852.

WHEREAS Henry Frye, Robert Atcheson, George M'Kay, Archibald M'Callum, James Brown, Charles Carson, Matthew Stevenson, the Reverend John S. Thomson, the Reverend William Millan, Nehemiah Hill, Peter M'Callum, Robert Cockburn, Henry M'Farlane, Richard Turner, Jeremiah Hanson, George F. Campbell, and other inhabitants of the Parish of Saint Patrick, in the County of Charlotte, have formed themselves into a Society, for the promotion of the science of Agriculture in the said County, and it would be more beneficial to the interests of the Society, and enable them more effectually to carry out the intentions and promote the objects thereof, if the said Society were incorporated;—

Be it therefore enacted, &c.—1. Henry Frye, Robert Atcheson, George M'Kay, Archibald M'Callum, James Brown, Charles Carson, Matthew Stevenson, the Reverend John S.

Thomson, the Reverend William Millan, Nehemiah Hill, Peter M'Callum, Robert Cockburn, Henry M'Farlane, Richard Turner, Jeremiah Hanson, George F. Campbell, and all such persons as may now or may hereafter be admitted members of the said Society, their associates and successors, be and they are hereby erected into a body corporate, under the name and style of "The Saint Patrick Central Agricultural Society," for the purpose of promoting and encouraging Agriculture, rural and domestic economy, and industry, within the said County, and shall have and enjoy all general powers incident to Corporations by Act of Assembly of this Province.

2. There shall be a general meeting of the said Society or Corporation, to be annually holden on the third Tuesday in November in each and every year, at the School House, near the farm of George F. Campbell, Esquire, in the said Parish of Saint Patrick, at which annual meeting there shall be chosen, by a majority thereof, one President, two Vice Presidents, a Treasurer, a Secretary, and nine Committee men, who shall continue in office for one year, or until others are chosen in their stead; in the choice of which, each member of the said Corporation shall have one vote for each of the aforesaid offices.

3. Whereas at a general meeting of the members of the said Society hereby incorporated, held at the School House aforesaid, in the County aforesaid, one President, two Vice Presidents, a Treasurer, Secretary, and nine Committee men, were elected by the votes of the said members, for the current year;—The said officers so elected as aforesaid, are hereby declared to be the officers of the said Corporation until the third Tuesday in November next, or until others be chosen in their stead.

15th VICTORIA—CHAPTER. 21.

An Act to incorporate the Westmorland Agricultural and Emigrant Society.

Section.

1. Incorporation of Society.
2. Annual meeting.

Section.

3. Officers, how long to continue.

Passed 18th February 1852.

WHEREAS the Honorable William Crane, the Honorable A.

E. Botsford, Charles Dixon, Joseph F. Allison, James Dixon, George Oulton, Martin Trueman, John Tingly, S. F. Black, Edward Anderson, Thomas Carter, Charles Cahil, Nathan Lawrence, James Anderson, William Hewson, and others, inhabitants and proprietors of land in the Parishes of Sackville and Westmorland, in the County of Westmorland, have formed themselves into a Society for the promotion and advancement of the science of Agriculture : And whereas it would promote the interests of the said Society, and enable it more effectually to carry out the objects thereof, if the Society were incorporated ;—

Be it enacted, &c.—The Honorable William Crane, the Honorable A. E. Botsford, Charles Dixon, Joseph F. Allison, James Dixon, George Oulton, Martin Trueman, John Tingly, S. F. Black, Edward Anderson, Thomas Carter, Charles Cahil, Nathan Lawrence, James Anderson, William Hewson, and all other persons who are now or may be admitted members of the said Society, their associates and successors, are hereby erected into a body corporate, under the name and style of “The Westmorland Agricultural and Emigrant Society,” for the purpose of promoting and encouraging Agriculture, domestic manufactures, and industry, and for these purposes shall have and enjoy all the general powers made incident to Corporations by Acts of Assembly of this Province.

2. There shall be a general meeting of the said Corporation, to be annually holden on the last Tuesday in December in each and every year, at Sackville, in the County of Westmorland, at which annual meetings there shall be chosen, by a majority of the members present, duly constituted as such, in accordance with the bye laws of the said Society, a President, Vice President, Secretary, Treasurer, and five Directors, who shall continue in office for one year, or until others are chosen in their room ; in the choice of which, each member shall have one vote for each of the aforesaid officers.

3. The President, Vice President, Secretary, Treasurer, and five Directors, chosen at a general meeting of the members of the Society hereby incorporated, held at Sackville aforesaid, on the last Tuesday in December last, are hereby declared to be officers of the said Corporation until the last Tuesday in December next, or until others be chosen in their stead.

15th VICTORIA—CHAPTER 22.

An Act to incorporate the Wellington and Dundas, County of Kent, Agricultural Society.

Section.

1. Incorporation of Society.
2. Annual meeting.

Section.

3. Officers, how long to continue.

Passed 18th February 1852.

WHEREAS certain Farmers and other inhabitants of the Parishes of Wellington and Dundas, in the County of Kent, have formed themselves into a Society for the encouragement of Agriculture in the said County, and they are desirous of being incorporated, to enable them more effectually to carry out the objects of the said Society ;—

Be it therefore enacted, &c.—James M'Phelim, Albert B. Smith, John Bowser, John Coates, Horatio B. Smith, Dominick Robisheau, and Nehemiah Beckwith, their associates and successors, be and they are hereby declared to be a body corporate, under the name and style of "The Wellington and Dundas, County of Kent, Agricultural Society," for the encouragement of Agriculture, and for this purpose shall have and enjoy all the powers made incident to Corporations by Act of Assembly of this Province.

2. There shall be a general meeting of the said Corporation annually holden on the second Tuesday in December in each and every year, at Buctouche, in the said County, at which meeting there shall be chosen, by a majority of the members, one President, two Vice Presidents, one Treasurer, two Secretaries, and twelve Directors, who shall continue in office one year, or until others are chosen in their stead ; in the choice of which, each member of the Corporation shall have one vote for each of the aforesaid officers.

3. The officers chosen at a general meeting of the said Society holden at Buctouche aforesaid, on the second Tuesday in December last, be and they are hereby declared to be the officers of the said Society until the second Tuesday in December next, or until others are chosen in their stead.

15th VICTORIA—CHAPTER 23.

An Act to incorporate the Victoria County Agricultural Society.

Section.

1. Incorporation of Society.
2. Annual meeting.

Section.

3. Officers, how long to continue.

Passed 18th February 1852.

WHEREAS Leonard R. Coombes, John Emerson, Henry Baird, Michael Curran, William T. Wilmot, William Clifford, A. W. Raymond, A. B. Hammond, Simon Ballard, Patrick Martin, Benjamin Beveridge, Joseph Cire, Abraham L. Coombes, and others, inhabitants of the County of Victoria, did in the year one thousand eight hundred and forty nine, form themselves into a Society for the promotion of Agriculture in the said County, which said Society has been ever since in active and useful operation: And whereas the said Society, from not being incorporated, is subject to many inconveniences, and has in consequence thereof been found unable, in many instances, effectually to carry out the intentions and promote the objects of the said Society;—

Be it therefore enacted, &c.—1. Leonard R. Coombes, John Emerson, Henry Baird, Michael Curran, William T. Wilmot, William Clifford, A. W. Raymond, A. B. Hammond, Simon Ballard, Patrick Martin, Benjamin Beveridge, Joseph Cire, Abraham L. Coombes, and all other such persons as are now or may hereafter be admitted members of the said Society, their associates and successors, are hereby erected into a body corporate, under the name and style of “The Victoria County Agricultural Society,” for the purpose of promoting and encouraging Agriculture, and rural and domestic economy and industry within the said County, and for that purpose shall have and enjoy all general powers made incident to Corporations by Act of Assembly in this Province.

2. There shall be a general meeting of the members of the said Corporation, to be annually holden on the third Monday in December in each and every year, at the Grand Falls in the said County, at which annual meeting there shall be chosen by a majority thereof, one President, three Vice Presidents, a Treasurer, and Secretary, who shall continue in office for one year, or until others are chosen in their room; in the choice of which, each member of the said Corporation shall have one

vote for each of the aforesaid officers ; and every member may vote by proxy, provided such proxy produce a sufficient authority in writing from his constituent or constituents.

3. Whereas at a general meeting of the members of the said Society hereby incorporated, held at the Grand Falls, in the County of Victoria aforesaid, one President, three Vice Presidents, a Treasurer, and Secretary, were elected by the votes of the said members, for the current year ;—The said officers so elected, shall be and they are hereby declared the officers of the said Corporation until the third Monday in December next, or until others are chosen in their stead.

15th VICTORIA—CHAPTER 24.

An Act to incorporate the Kingston (Kent) Agricultural Society.

Section.

1. Incorporation of Society.
2. Annual meeting.

Section.

3. Officers, how long to continue.

Passed 18th February 1852.

WHEREAS certain Farmers and other inhabitants of the County of Kent did, in the year one thousand eight hundred and fifty one, form themselves into a Society for the encouragement of Agriculture in the said County, and they are desirous of being incorporated, to enable them more effectually to carry out the objects of the said Society ;—

Be it therefore enacted, &c.—1. John W. Holderness, John Carruthers, John Brait, Louis Carvell, Daniel M'Auley, Alexander Girvan, William Brait, John Power, James Hutchinson, Robert Lawson, William Fitzgerald, Thomas Jardine, Samuel Girvan, James Hannay, David M'Almon, Thomas Johnson, Thomas Cale, Edward Walker, Junior, Hector M'Donnell, and James Thonot, their associates and successors, be and they are hereby declared to be a body corporate, under the name and style of "The Kingston (Kent) Agricultural Society," for the encouragement of Agriculture, and for this purpose shall have and enjoy all the powers made incident to Corporations by an Act of the General Assembly of this Province made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to prescribe certain general regulations in respect to Corporations*.

2. There shall be a general meeting of the said Corporation annually holden on the first Saturday in January in each and every year, at Kingston, in the said County, at which meeting there shall be chosen by a majority of the members, one President, one Vice President, one Treasurer, two Secretaries, and twelve Directors, who shall continue in office one year, or until others are chosen in their room; in the choice of which, each member of the Corporation shall have one vote for each of the aforesaid officers.

3. The officers chosen at a general meeting of the said Society holden at Kingston aforesaid, on the first Saturday in January last, be and they hereby are declared to be the officers of the said Society or Corporation until the first Saturday in January next, or until others are chosen in their stead.

15th VICTORIA—CHAPTER 81.

An Act to incorporate the Harvey Agricultural Society.

Section 1.—Incorporation of Society.

Passed 7th April 1852.

WHEREAS John Smith, Charles P. Bliss, J. E. Upham, John A. Read, Edwin Steves, Isaac Turner, Timothy Bishop, and other inhabitants and land owners in the Parish of Harvey, in the County of Albert, have formed themselves into a Society for the promotion and improvement of Agriculture in said Parish; and it would be more beneficial to the interests of said Society, and enable them more effectually to carry out the intention and promote the object thereof, if the said Society were incorporated;—

Be it therefore enacted, &c.—1. John Smith, Charles P. Bliss, J. E. Upham, John A. Read, Edward Steves, Isaac Turner, Timothy Bishop, and the Directors, and all other persons who are now or may hereafter be admitted members of the said Society, their associates and successors, be and they are hereby erected into a body corporate, under the name and style of “The Harvey Agricultural Society,” for the purpose of promoting and encouraging Agriculture and domestic economy, and for this purpose shall have and enjoy all general powers made incident to Corporations by Act of Assembly of this Province.

15th VICTORIA—CHAPTER 82.

An Act to incorporate the Botsford and Westmorland,
County of Westmorland, Agricultural Society.

Section.

1. Incorporation of Society.
2. Annual meeting.

Section.

3. Officers, how long to continue.

Passed 7th April 1852.

WHEREAS certain inhabitants of the Parishes of Botsford and Westmorland, in the County of Westmorland, did in the year one thousand eight hundred and forty nine form themselves into a Society, for the promotion of Agriculture in the said County, which said Society has been ever since in active and useful operation: And whereas the said Society, from not being incorporated, is subject to many inconveniences, and has in consequence thereof been found unable in many instances efficiently to carry out the intentions and promote the object of the Society;—

Be it therefore enacted, &c.—1. Alexander Monro, George Dobson, John Blacklock, Thomas Oulton, Joseph Harper, Stephen Gooden, Abel Atkinson, Ephraim Raworth, David Anderson, John Trenholm, Jacob Siliker, and all other such persons as are now or may hereafter be admitted members of the said Society, their associates and successors, be and they are hereby erected into a body corporate, under the name and style of “The Botsford and Westmorland, County of Westmorland, Agricultural Society,” for the purpose of promoting and encouraging Agriculture, and rural and domestic economy and industry within the said County, and for these purposes shall have and enjoy all general powers made incident to Corporations by Act of Assembly of this Province.

2. There shall be a general meeting of the members of the said Corporation, to be annually holden on the second Tuesday in October in each and every year, in the Parishes of Botsford and Westmorland alternately, at which annual meeting there shall be chosen by a majority thereof, one President, two Vice Presidents, a Treasurer, two Secretaries, and nine Directors, who shall continue in office one year, or until others are chosen in their room; in the choice of which, each member of the said Corporation shall have one vote for each of the aforesaid officers, and every member may vote by proxy, provided such proxy be a member, and previously to voting

produce a sufficient authority in writing from his constituent or constituents.

3. And whereas at a general meeting of the members of the Society hereby incorporated, held at Botsford, in the County of Westmorland aforesaid, one President, two Vice Presidents, a Treasurer, two Secretaries, and nine Directors, were elected by the votes of the said members for the current year;—The said officers so elected as aforesaid, are hereby declared to be the officers of the said Corporation until the second Tuesday in October next, or until others are chosen in their stead.

15th VICTORIA—CHAPTER 83.

An Act to incorporate the Wakefield and Brighton
Agricultural Society.

Section.

1. Incorporation of Society.
2. Annual meeting.

Section.

3. Officers, how long to continue.

Passed 7th April 1852.

WHEREAS certain inhabitants of the Parishes of Wakefield and Brighton, in the County of Carleton, have formed themselves into a Society for the promotion of Agriculture in the said County : And whereas the said Society, from not being incorporated, is subject to many inconveniences, and has in consequence thereof been found unable in many instances efficiently to carry out the intentions and promote the object of the Society ;—

Be it enacted, &c.—1. George Stickney, Josiah S. Brown, Junior, John F. Shaw, George R. Bowyer, William M'Gee, Amos Dickinson, Junior, James Jones, Charles M'Mullin, Samuel Hayden, Adam Tedlie, James Rideout, John Bubar, and all such other persons as are now or may hereafter be admitted members of the said Society, their associates and successors, be and they are hereby erected into a body corporate, under the name and style of "The Wakefield and Brighton Agricultural Society," for the purpose of promoting and encouraging Agriculture, and rural and domestic economy and industry within the said County, and for these purposes shall have and enjoy all general powers made incident to Corporations by Act of Assembly in this Province.

2. There shall be a general meeting of the members of the said Corporation, to be annually holden on the [the word here omitted is repealed by 16 V. c. 57, s. 1,] Tuesday in October in each and every year, at or near the mouth of the Bega-guimick Stream, in the Parish of Brighton, in the said County, at which annual meeting there shall be chosen by a majority thereof, a President, five Vice Presidents, a Secretary, and a Treasurer, who shall continue in office one year, or until others are chosen in their room; in the choice of which, each member of the said Corporation shall have one vote for each of the aforesaid officers, and every member may vote by proxy, provided such proxy be a member, and previous to voting produce a sufficient authority in writing from his constituent or constituents.

3. And whereas at a general meeting of the members of the Society hereby incorporated, held at Simonds, in the County of Carleton aforesaid, a President, a Secretary, and a Treasurer, were elected by the votes of the said members for the current year;—The said officers so elected as aforesaid, are hereby declared to be the officers of the said Corporation until the first Tuesday in October next, or until others are chosen in their stead.

15th VICTORIA—CHAPTER 84.

An Act to incorporate the Queen's County Agricultural Society.

Section 1.—Incorporation of Society.

Passed 7th April 1852.

WHEREAS Leonard Slip, Senior, William Foshay, Esquire, James Slip, Senior, James Slip, Junior, William Reed, Samuel L. Peters, William J. Caldwell, George Clark, Leveret Smith, George L. Slip, Gilbert R. Merrit, and other inhabitants and land owners in the said County, have formed themselves into a Society for the promotion and improvement of Agriculture in said County, and it would be more beneficial to the interests of said Society, and enable them more effectually to carry out the intentions and promote the object thereof, if the said Society were incorporated;—

Be it therefore enacted, &c.—1. Leonard Slip, Senior,

William Foshay, James Slip, Senior, James Slip, Junior, William Reed, Samuel L. Peters, William J. Caldwell, George Clark, Leveret Smith, George L. Slip, Gilbert R. Merrit, and the Directors, and all other persons who are now or may hereafter be admitted members of the said Society, their associates and successors, be and they are hereby erected into a body corporate, under the name and style of "The Queen's County Agricultural Society," for the purpose of promoting and encouraging Agriculture and domestic economy, and for this purpose shall have and enjoy all general powers made incident to Corporations by Act of Assembly of this Province.

16th VICTORIA—CHAPTER 57.

An Act to alter and amend the Act incorporating the Wakefield and Brighton Agricultural Society.

Section.

1. Annual meeting.

Section.

2. Officers, how long to continue.

Passed 3rd May 1853.

WHEREAS in and by the Act of the General Assembly fifteenth Victoria, Chapter eighty three, incorporating "The Wakefield and Brighton Agricultural Society," it is provided by the second Section of the said Act, that the general meeting of the members of the said Corporation for the election of officers be held on the first Tuesday in October in each and every year, which period is found to be inconvenient: And whereas it is deemed advisable that such election should be held at a later period of the year, to enable the Board of Officers to close the business of such Society for the past year before others are appointed in their stead;—

Be it therefore enacted, &c.—1. From and after the passing of this Act, the general meeting of the members of said Corporation, for the election of officers, as provided by the second Section of the said Act, shall be held on the last Tuesday in October in each and every year.

2. And whereas at a general meeting of the members of said Corporation held at or near the mouth of the Begaguimick Stream, in the Parish of Brighton, in the said County, on the first Tuesday in October last, one President, five Vice Presidents, a Secretary, and a Treasurer, were elected by the votes

of the said members for the current year ;—The said officers so elected as aforesaid shall continue in office until the last Tuesday in October next, or until others are chosen in their stead, any thing in the said Act to the contrary notwithstanding.

16th VICTORIA—CHAPTER 60.

An Act to incorporate the Gloucester County Agricultural Society.

Section.

1. Incorporation of Society.
2. Annual meeting.

Section.

3. Officers, how long to continue.

Passed 3rd May 1853.

WHEREAS certain inhabitants of the County of Gloucester have formed themselves into a Society for promoting the improvement of Agriculture in the said County, and they are desirous of being incorporated, to enable them to carry out more effectually the objects of the said Society ;—

Be it therefore enacted, &c.—1. Samuel L. Bishop, John Woolner, John Chalmers, William Molloy, Hugh A. Caie, and William Napier, their associates and successors, be and they are hereby declared to be a body corporate, under the name and style of “The Gloucester County Agricultural Society,” for the improvement and encouragement of Agriculture, and for this purpose shall have and enjoy all the powers made incident to Corporations by Act of Assembly of this Province.

2. There shall be a general meeting of the said Corporation annually holden on the last Tuesday in December in each and every year, at Bathurst, in the said County, at which meeting there shall be chosen by a majority of the members, one President, two or more Vice Presidents, a Treasurer and Secretary, and nine Directors, who shall continue in office one year, or until others are chosen in their stead ; in the choice of which, each member of the Corporation shall have one vote for each of the aforesaid officers.

3. The officers chosen at a general meeting of the said Society holden at Bathurst aforesaid, on the second Tuesday in February last, are hereby declared to be the officers of the said Society until the last Tuesday in December next, or until others are chosen in their stead.

16th VICTORIA—CHAPTER 61.

An Act to incorporate the District Agricultural Society for the Parishes of Blackville, Blissfield, and Ludlow, in the County of Northumberland.

Section.

1. Incorporation of Society.
2. Annual meeting.

Section.

3. Officers, how long to continue.

Passed 3rd May 1853.

Be it enacted, &c.—1. Alexander M'Laggan, John Bergan, Thomas Ward Underhill, Thomas Dunphey, John DeCantillon, James Sangster Mitchell, Hiram Freeze, Moses Hovey, Miles M'Millan, Walter Richard Price, William M'Kay, James Lechmere Price, and all such other persons as are now or may hereafter be admitted members of the said Society, their associates and successors, be and they are hereby erected into a body corporate, under the name and style of "The District Agricultural Society for the Parishes of Blackville, Blissfield, and Ludlow, in the County of Northumberland," for the purpose of promoting and encouraging Agriculture, and rural and domestic economy and industry within the said Parishes, and for this purpose shall have and enjoy all general powers made incident to Corporations by Act of Assembly in this Province.

2. There shall be a general meeting of the members of the said Corporation, to be annually holden on the first Wednesday in January in each and every year, in the Parish of Blissfield, at which annual meeting there shall be chosen by a majority thereof, one President, three Vice Presidents, a Treasurer, a Secretary, and nine Directors, who shall continue in office one year, or until others are chosen in their room; in the choice of which, each member of the said Corporation shall have one vote for each of the aforesaid officers.

3. The officers chosen at a general meeting of the said Society held at Blissfield, in the said County of Northumberland, for the current year, are hereby declared to be the officers of the said Corporation until the first Wednesday in January next, or until others are chosen in their stead.

17th VICTORIA—CHAPTER 13.

An Act to incorporate the Dorchester Agricultural Society.

Section.

1. Society incorporated.
2. General annual meeting for choice of officers.

Section.

3. Present officers to continue in office until others chosen.

Passed 20th March 1854.

WHEREAS certain Farmers and other inhabitants of the Parish of Dorchester, in the County of Westmorland, have formed themselves into a Society for the encouragement of Agriculture in the said County, and they are desirous of being incorporated, to enable them more effectually to carry out the objects of the said Society ;—

Be it therefore enacted, &c.—1. William Wilson, Thomas T. Sayer, Thomas Keillor, John Robb, John Hickman, Junior, Silas C. Charters, Reuben Taylor, Abiel Hick, Cook Smith, John G. G. Layton, and Albert J. Smith, their associates and successors, be a body corporate, under the name and style of “The Dorchester Agricultural Society,” for the encouragement of Agriculture ; and for this purpose shall have and enjoy all the powers made incident to Corporations by law.

2. There shall be a general meeting of the said Corporation annually holden on the first Thursday in January in each and every year, at Dorchester, in said County, at which meeting there shall be chosen by a majority of the members, one President, two Vice Presidents, one Treasurer, one Secretary, and five Directors, who shall continue in office one year, or until others are chosen in their stead ; in the choice of which, each member of the Corporation shall have one vote for each of the aforesaid officers.

3. The officers chosen at a general meeting of the said Society holden at Dorchester aforesaid on the first Thursday in January last, shall be the officers of the said Society until the first Thursday in January next, or until others are chosen in their stead.

FARMERS' LIBRARY SOCIETY.

14th VICTORIA—CHAPTER 2.**An Act to incorporate the Woodstock Farmers and Mechanics' Library Society.**

Section 1.—Incorporation of Society.

Passed 15th March 1851.

Be it enacted, &c.—1. The Farmers and Mechanics' Library Society now established and located at the Upper Village of Woodstock, in the County of Carleton, for the purpose of procuring Books on agricultural, mechanical, historical, and other subjects, to form a Library for the use of the members of the said Society, be incorporated; and Joseph Harvey, Senior, James H. Brodrick, William Wiley, Ralph Ketchum, James Edgar, Asahel M. Brodrick, Anthony Kearney, Wingate Weeks, Lewis P. Fisher, David Munro, and such other persons as are or may become members of the said Society, shall be and are hereby constituted a body corporate for that and no other purpose, by the name aforesaid, with all the general powers and privileges incident to Corporations by Act of Assembly of this Province; provided always, that the real estate which the said Corporation may at any time hold shall not exceed in value one thousand pounds.

BARRISTERS' SOCIETY.

9th VICTORIA—CHAPTER 48.

An Act to incorporate the Barristers' Society of New Brunswick.

Section.

1. Incorporation of Society.
2. Bye laws, &c., when and how passed.
3. Bye laws, how enforced and approved.

Section.

4. Library, in whom vested.
5. Society's room.

Passed 11th April 1846.

Be it enacted, &c.—1. From and after the passing of this Act, the Honorable Charles J. Peters, Honorable William B. Kinnear, John Ambrose Street, Honorable Edward B. Chandler, Honorable Lemuel A. Wilmot, William End, Honorable John W. Weldon, William Wright, Alfred L. Street, Francis A. Kinnear, William Carman, Honorable Robert L. Hazen, Charles Fisher, John H. Gray, William J. Ritchie, George Botsford, David S. Kerr, James W. Chandler, George J. Thomson, Richard M. Andrews, George D. Street, D. Ludlow Robinson, James Peters, Junior, George J. Dibblee, Moses H. Perley, George Kerr, Richard Carman, William Jack, Alexander Campbell, William H. Odell, and all other Barristers of the Supreme Court of this Province, or that shall hereafter become Barristers, and who shall signify their assent in writing to the Secretary of the Corporation, shall and they are hereby declared to be a body politic and corporate, by the name of "The Barristers' Society of New Brunswick," and by that name shall have all the general powers, authorities, and privileges made incident to a Corporation by Act of Assembly, for the purpose of establishing order and good conduct among themselves, and of securing to the Province and the Profession a learned and honorable body, and of procuring and maintaining a Library for the use of the Corporation.

2. All bye laws and regulations which the said Society shall make and ordain by the authority of this Act, shall be passed at some or one of the Terms of the Supreme Court at Fredericton, at a meeting of its members then and there to be holden, and by a majority of the persons present, being members, at such meeting, which meeting shall be composed of at least thirteen members; the manner of summoning such Bar

meetings, together with the order to be preserved in attending the same, and the manner of holding a Bar meeting for ordinary business, (which shall consist of not less than nine members) shall also be regulated by bye laws for that purpose from time to time to be made; the first regular Bar meeting for the purposes aforesaid to be held on the first Friday in next Trinity Term, in the Library room.

3. The bye laws and regulations which the said Society shall be entitled to make, may be enforced by such moderate and reasonable fines not exceeding for any one breach thereof the sum of two pounds, as in such bye laws and regulations may be specified, the same to be sued for and recovered by the Treasurer or other officer of the Society, in the name of the Corporation, in such manner as in and by the same or any other bye law or regulation may be ordained; and the said fines when received by the said Treasurer or other officer as aforesaid, shall be appropriated by the said Society in keeping up the said Library, and for the general purposes of the said Corporation; provided always, that no bye law or regulation whatever made by the said Corporation, shall be of any force or effect until the same shall be sanctioned by the Judges of the Supreme Court of this Province, or any three of them.

4. The property of the Law Library already purchased, with all the furniture and other chattels now in the Library room of the Province Building, shall be and hereby is vested in the said Corporation.

5. It shall and may be lawful for the said Barristers' Society of New Brunswick to occupy and enjoy the use of the room in the Province Building now used as a Law Library, and to have the sole direction and control of the same; provided always, that it shall and may be lawful for the Administrator of the Government for the time being, by and with the advice of the Executive Council of the Province, at any time to resume the possession of the said room.

CHAMBER OF COMMERCE.

17th VICTORIA—CHAPTER 27.

An Act to incorporate the Saint John Chamber of Commerce.

Section.

1. Their incorporation.
2. Funds and property, how applied.
3. Place for serving process.
4. Council, its formation.
5. Officers of Council prior to first election.
6. Meeting of Council, time and place; choice of officers, &c.
7. Vacancy, how supplied.
8. Quorum for business.
9. Qualification for membership, and mode of election.
10. General meeting, how called.
11. Additional powers of the Council.

Section.

12. Power of general meeting to make bye laws.
13. Power of Council to make bye laws.
14. Subscriptions to whom paid.
15. Meeting of Council open to members.
16. Board of arbitration, how elected; their powers.
17. Board to be sworn.
18. Who may be member of the board.
19. Powers and duties of arbitrators.
20. Affirmation, same as oath.
21. Continuation of Act.
22. The rights of Her Majesty not affected.

Passed 1st May 1854.

WHEREAS the Honorable John Robertson, John Duncan, John V. Thurgar, and others hereinafter named, Merchants, carrying on trade in the City of Saint John, have by their petition to the Legislature represented that they have associated themselves together for some time past, for the purpose of promoting such measures as they might upon due consideration deem calculated to advance and render prosperous the lawful trade and commerce of this Province, and of the said City of Saint John more particularly; and have further represented that having already experienced the good effects of their said association, and being convinced that the advantages arising from it would be greatly extended and increased if they and their associates and successors were incorporated, and if certain powers were conferred on them, they pray the Legislature so to incorporate them and grant them such powers: And whereas it is expedient to grant the prayer of the said petition;—

Be it therefore enacted, &c.—1. The said Honorable John Robertson, John Duncan, John V. Thurgar, and John Wishart, William Parks, William H. Street, Frederick A. Wiggins, Charles Ward, Edward Allison, Robert Jardine, Thomas E. Millidge, Daniel J. M'Laughlin, Frederick W. Wood, John Ward, Stephen Wiggins, Robert Reed, William Wright, Charles Brown, James Smith, Charles M'Lauchlan, George Carvill, John W. Cudlip, Thomas Hanford, Leverett H. Deveber, Alexander M'L. Seely, Isaac Woodward, Samuel L. Tilley, James M'Farlane, William G. Lawton, John M. Walker,

Thomas Vaughan, Nathan S. Demill, George Young, Francis Ferguson, William H. Adams, Thomas W. Daniel, John A. Morrison, John Hegan, William Doherty, Robert Armstrong, Thomas S. Magee, William Thomson, Joseph Crane, and Joseph Fairweather, and such other persons, being inhabitants of and using trade and commerce in the said City of Saint John or adjacent thereto, as shall be associated with the persons above named for the purposes of this Act in the manner hereinafter provided, and their successors, shall be and are hereby constituted a body politic and corporate, by the name of "The Chamber of Commerce of Saint John," and by that name shall have all the general powers made incident to Corporations by Acts of Assembly of this Province; provided always, that the clear annual value of the real and personal estate together, held by the said Corporation at any one time, shall not exceed two thousand pounds currency; and provided also, that the said Corporation shall not have or exercise any corporate powers whatsoever except what are expressly conferred on them by this Act, or are necessary for carrying the same into effect according to its true intent and meaning.

2. The funds and property of the said Corporation shall be used and applied to and for such purposes only as may be calculated to extend and promote the just and lawful trade and commerce of this Province, and of the City of Saint John more especially, or as may be necessary for attaining the object for which the said Corporation is constituted, according to the true intent and meaning of this Act.

3. The usual place of meeting of the said Corporation shall be held to be the legal domicile thereof, and service at such place of any notice or process of any kind addressed to the said Corporation, shall be held to be sufficient service of such notice or process on the Corporation.

4. For the management of the affairs and business of the said Corporation, there shall be a Council, to be called "The Council of the Chamber of Commerce," which shall from and after the first election hereinafter mentioned, consist of a President, Vice President, Treasurer, and Secretary, and ten other members of the Council, all of whom shall be members of the said Corporation, and shall have the powers and perform the duties hereinafter mentioned and assigned to the said Council.

5. The said Honorable John Robertson shall be the President, the said John Duncan, Vice President, the said Robert Jardine, Secretary and Treasurer, and the said John V. Thurgar, John Wishart, William Parks, William H. Street, Frederick A. Wiggins, Charles Ward, Edward Allison, Robert Reed, Daniel J. McLaughlin, and Thomas E. Millidge, the other Members of the Council, until the first election to be had under the provisions of this Act, and the Council hereby appointed shall, until the said election, have all the power assigned to the Council of the said Corporation by this Act.

6. The members of the said Corporation shall meet annually at some place within the City of Saint John, of which due notice shall be given by the Council for the time being, or which shall be fixed by the bye laws of the Corporation, on the first Monday in the month of September, and they or a majority of them shall then and there choose by ballot from among the members of the Corporation, one President, one Vice President, one Secretary and Treasurer, and ten other members of the Council, who shall form the Council of the said Corporation, and shall hold their offices until others be elected at the next annual meeting in their stead, or until they shall be removed from office, or shall vacate the same under the provisions of any bye laws of the Corporation; provided always, that if the said election shall not take place on the first Monday in September in any year, the Corporation shall not thereby be dissolved, but such election may be had at any general meeting of the Corporation to be called in the manner hereinafter provided, and the members of the Council then in office shall remain, or until the election shall be had.

8. If any member of the said Council shall die, resign his office, or be absent for six months continuously from the Province, it shall be lawful for the said Corporation, if they shall see fit, at any general meeting to elect a member of the Corporation to be a member of the Council in the place of the member so dying, or resigning, or being absent, and the member so elected shall hold office until the next election and no longer.

8. At any annual or other general meeting of the Corporation, any twelve or more members shall form a quorum, and shall be competent to do and perform all acts which either by this Act, or by any bye law of this Corporation, are or shall be directed

to be done at any such general meeting, and all general meetings of the Corporation shall be held at the place where appointed by the bye laws thereof for the annual meeting aforesaid.

9. Each and every person resident in the City of Saint John, and carrying on banking, trade, or commerce of any kind, and members of the Legislature there resident, shall be eligible to become a member of the said Corporation, and at any general meeting of the said Corporation it shall be lawful for any member thereof to propose any such person as aforesaid as a candidate for becoming a member of the Corporation, and if such proposition shall be seconded, such candidate shall be again proposed and balloted for at the next general meeting, not being less than one week after he shall be so proposed, and in the meantime the name of the person proposed and of the proposer and seconder shall be posted in a conspicuous part of the usual place of meeting, and if at the meeting at which candidates shall be balloted for, not less than three fifths of the members present shall vote for his admission, he shall thenceforth be a member of the said Corporation, and shall have all the rights and be subject to all the obligations which the other members possess or are subject to, and shall be bound by all the bye laws of the Corporation.

10. It shall always be lawful for the Council of the said Corporation, by at least one week's notice being given in one or more Newspapers published in the City of Saint John, to call a general meeting of the Corporation for any of the purposes of this Act.

11. The said Council shall, in addition to the power hereby expressly conferred on them, have such powers as shall be assigned to them by any bye law of the Corporation, except only the power of enacting or altering any bye law, or of admitting any member, which shall be done in the manner provided by this Act, and no other; and any five or more members of the Council lawfully met, and of whom the President or Vice President shall be one, shall be a quorum, and any majority of such quorum may do all things within the power of the Council; and at all meetings of the said Council, and all general meetings of the Corporation, the President, or in his absence the Vice President, or if both be absent, any member of the Council then present who may be chosen for

the occasion, shall preside, and shall in all cases of equality of votes upon any division, have a double or casting vote.

12. It shall be lawful for the said Corporation, or a majority of them present at any general meeting, to make and enact such bye laws, rules, and regulations for the government of the said Corporation, its Council, officers, and affairs, and for the guidance of the Board of Arbitration hereinafter mentioned, as such majority shall deem meet ; provided that no such bye law be contrary to or inconsistent with the provisions of this Act or the Laws of this Province ; and such bye laws shall be binding on all members of the Corporation, its officers, and servants, and all other persons whomsoever lawfully under its control.

13. It shall be the duty of the Council hereby appointed, so soon as may be after the passing of this Act, to frame such bye laws, rules, and regulations, as they shall consider best adapted to promote the welfare of the Corporation, and the purposes of this Act, and submit the same for adoption to a general meeting of the Corporation called for the purpose, in the manner hereinbefore provided.

14. All subscriptions of members due to the Corporation under any bye law, by any person bound thereby, and all other sums of money due to the Corporation, shall be paid to the Treasurer thereof, and in default of payment may be recovered in any action brought by him in name of the Corporation in any Court of competent civil jurisdiction.

15. The meetings of the members of the Council shall be open to all other members of the Corporation who may attend at the same, but who shall take no part in any proceedings thereat ; and minutes of the proceedings of all such meetings, and at all general meetings of the Corporation, shall be entered in a register to be kept for that purpose by a person or persons appointed to keep the same, and the entry shall be signed by the Secretary ; and such register shall be open at all reasonable hours to any member of the Corporation free of any charge, and also to all other persons on payment of a fee of one shilling currency to the officer having charge of the register.

16. At the same time and times as are hereby appointed for the election of the Council, and in the same manner, it shall be lawful for the members of the said Corporation to elect from their number six persons, who shall form a Board, which

shall be called "The Board of Arbitration," and any three of whom shall have power to arbitrate upon and to give their award in any commercial case or difference which shall be voluntarily referred to them by the parties concerned; and whenever any such parties shall agree and bind themselves by bond or otherwise, to submit the matter in dispute between them to the decision of the said Board of Arbitration, such submission shall be understood to be made to any three members of the said Board, who may either, by the special order of the said Board, or by virtue of any general rule adopted by them, or under any bye law of the Corporation with regard to the consideration of cases so submitted to them, be appointed to hear and arbitrate upon the case, and shall be understood to bind the parties to submit to the decision of the said Board; and any such submission may be in the form of the Schedule to this Act, or in other words to the same effect.

17. The several members of the said Board of Arbitration shall, before they act as such, take and subscribe before the President or Vice President of the Corporation, an oath that they will faithfully, impartially, and diligently perform their duties as members of the said Board of Arbitration, and will in all cases submitted to them give a true and just award according to the best of their judgment and ability, without fear, favour, or affection of or for any person or party whomsoever, and this oath shall be kept among the documents of the Corporation.

18. Any member of the Council of the Corporation may be at the same time a member of the said Board of Arbitration.

19. The three members appointed to hear any case submitted for arbitration as aforesaid, or any two of them, shall have full power to examine into the facts of such case, and to examine on oath (which oath any one of such three members is hereby empowered to administer) any party or witness who appear voluntarily before them, and shall be willing to be so examined, and shall give their award thereupon in writing; and their decision, or that of any two of them given as such award, shall bind the parties according to the terms of the submission and to the provisions of this Act.

20. Any person who may by law in other cases make a solemn affirmation instead of taking an oath, may make such solemn affirmation in any case where by this Act an oath is

required ; and any person hereby authorized to administer an oath may in such case as aforesaid administer such solemn affirmation ; and any person who shall wilfully swear or affirm falsely in any case where an oath or solemn affirmation is by this Act required or authorized, shall be guilty of wilful and corrupt perjury.

21. This Act shall be and continue in full force and effect for twenty years from the passing thereof, and from thence to the end of the then next Session of the Provincial Parliament, and no longer.

22. Nothing in this Act shall affect the rights of Her Majesty, Her Heirs, Successors, or any party or person whomsoever, such rights only accepted as are herein expressly mentioned and affected.

SCHEDULE.

Form of submission to the award of the Board of Arbitration.

Know all men, that the undersigned _____, and the undersigned _____, [if there be more parties, that is, more separate interests, mention them] having a difference as to the respective rights of the said parties in the case hereunto subjoined, have agreed and bound themselves under a penalty of _____ currency, to perform the award to be made by the Board of Arbitration, in the case aforesaid, under the penalty aforesaid, to be paid by the party refusing to perform such award to the party ready and willing to perform the same.

In witness whereof, the said parties have hereunto interchangeably set their hands at _____ on the _____ day of _____.

Form of Oath to be taken by Members of Board of Arbitration.

I swear that I will faithfully, impartially, and diligently perform my duty as a member of the Board of Arbitration of the Chamber of Commerce of Saint John, and that I will in all cases in which I shall act as Arbitrator, give a true and just award according to the best of my judgment and ability, without fear, favour, or affection of or for any party or person whomsoever.—So help me God.

QUIETING TITLES.

9th VICTORIA—CHAPTER 19.

An Act to enable the Rector, Church Wardens, and Vestry of Trinity Church, in Springfield, King's County, to dispose of certain lands held by them in exchange for other lands.

Section. 1.—Land, by and to whom conveyed.

Passed 11th April 1846.

WHEREAS the Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Springfield, County of King's, have, by and with the consent of the Reverend William Scovil, Master of Arts, the present officiating Minister of the said Parish, and with the approbation of the Right Reverend the Lord Bishop of Fredericton, agreed with Josiah Marvin, of the aforesaid Parish of Springfield, Farmer, for the conveyance and assurance to him, the said Josiah Marvin, of a certain piece or tract of land in the said Parish of Springfield, being a lot of land conveyed by Thomas Spragg, of the aforesaid Parish, Esquire, to the Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Springfield, as a Glebe for the use, benefit, and behoof of the Rector, Parson, or Minister of the said Parish for the time being; which piece or tract of land is bounded and described as follows, to wit:—Bounded by the highway forty nine and a half rods in front, and bounded by lot number four on the lower line, and on the upper line by lot number two, and extending towards the Creek till it completes the full quantity of eight acres; for exchange for a certain other piece or parcel of land situate, lying, and being in the aforesaid Parish of Springfield, and bounded and described as follows:—Beginning at the southwest angle of a two acre lot, on which the Parsonage House now stands; thence north twelve degrees west ten chains of four poles each; thence north seventy seven degrees forty minutes east eight chains twenty links, to the road; thence south twelve degrees twenty minutes east ten chains; thence south seventy seven degrees forty minutes west eight chains and twenty links, to place of beginning, containing eight acres; which said last mentioned piece or parcel of land, the said Josiah Marvin hath agreed to convey and assure to them, the said Rector, Church

Wardens, and Vestry, and their successors, in perpetuity, to the use, benefit, and behoof of the Rector, Parson, or Minister of the said Church, and his successors, for ever, in lieu of the said hereinbefore described piece or tract of the said Glebe of the said Parish of Springfield, so agreed to be conveyed to the said Josiah Marvin, as aforesaid: And whereas it is expedient, and will be for the benefit of the said Church, that the said agreement should be carried into effect; for the perfecting of which said agreement, and for carrying the same into full force and effect,—

Be it enacted, &c.—1. Upon the receipt of a good and sufficient title, conveyance, and assurance from the said Josiah Marvin, of the said last herein described piece or parcel of land, so agreed to be conveyed by the said Josiah Marvin to them, the said Rector, Church Wardens, and Vestry of the said Church, and their successors, to the use, benefit, and behoof of the Rector, Parson, or Minister of the said Church, and his successors, for ever, they, the said Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Springfield, be and they are hereby authorized and empowered, by a good and sufficient deed, to convey to the said Josiah Marvin, his heirs and assigns, the said hereinbefore described piece or tract of land in the said Parish of Springfield, as aforesaid, to hold the same to him, the said Joseph Marvin, his heirs and assigns, for ever.

9th VICTORIA—CHAPTER 69.

An Act to quiet the Titles to certain Lands in Fredericton,

Section.

1. Grants to be good titles.

Section.

2. Act, how construed.

Passed 14th April 1846.

WHEREAS His Majesty King George the Fourth did, by Letters Patent under the Great Seal of the Province of New Brunswick, bearing date the third day of March in the year of our Lord one thousand eight hundred and twenty eight, and in the ninth year of His Reign, grant to Thomas Pickard, James Balloch, and John Simpson, five several lots of land, situate in Fredericton, and being particularly designated, distinguished, and described by proper metes and bounds in the

said grant, reference being thereto had, or the registry thereof in the Office of the Secretary and Register of this Province, will more fully appear: And whereas His said Majesty did, by Letters Patent under the Great Seal of this Province, bearing date the twenty seventh day of May in the year of our Lord one thousand eight hundred and thirty, and in the eleventh year of His Reign, also grant to Daniel Ludlow Robinson a Town lot, so called, situate in Fredericton, and particularly designated, distinguished, and described by proper metes and bounds in the said grant, reference being thereunto had, or the registry thereof in the Office of the Secretary and Register of this Province, will more fully appear: And whereas His Majesty King William the Fourth did, by Letters Patent under the Great Seal of this Province, bearing date the sixteenth day of November in the year of our Lord one thousand eight hundred and thirty one, and in the second year of His Reign, grant to Thomas B. Smith and Amasa Coy thirty two perches of land, situate in Fredericton, and particularly designated, distinguished, and described by proper metes and bounds in the said grant to the said Thomas B. Smith and Amasa Coy, reference being thereunto had, or the registry thereof in the Office of the Secretary and Register for the Province, will more fully appear: And whereas His said Majesty King William the Fourth did, by Letters Patent under the Great Seal of this Province, bearing date the twenty third day of January in the year of our Lord one thousand eight hundred and thirty three, and in the third year of His Reign, also grant to John S. Saunders three roods and eleven perches of land, situate in Fredericton, and particularly designated, distinguished, and described by proper metes and bounds in the said grant to the said John S. Saunders, reference being thereunto had, or the registry thereof, will more fully appear: And whereas His said Majesty King William the Fourth did, by Letters Patent under the Great Seal of this Province, bearing date the twenty first day of April in the year of our Lord one thousand eight hundred and thirty seven, and in the seventh year of the Reign, also grant to William Needham Akerley one rood and eighteen perches of land, situate in Fredericton, and particularly designated, distinguished, and described by proper metes and bounds in the said grant to William Needham

Akerley, reference being thereunto had, or the registry thereof in the Office of the Secretary and Register of the Province, will more fully appear: And whereas His said Majesty King William the Fourth did, by Letters Patent under the Great Seal of this Province, bearing date the twenty first day of April in the year of our Lord one thousand eight hundred and thirty seven, and in the seventh year of His Reign, also grant to William J. Bedell one rood and eight poles of land, situate in Fredericton, and particularly designated, distinguished, and described by proper metes and bounds in the said grant, reference being thereunto had, or the registry thereof in the Office of the Secretary and Register of this Province, will more fully appear: And whereas His said Majesty King William the Fourth did, by Letters Patent under the Great Seal of this Province, bearing date the twenty fifth day of April in the year of our Lord one thousand eight hundred and thirty seven, and in the seventh year of His Reign, also grant to Francis E. Beckwith one acre and two roods of land, situate in Fredericton, and particularly designated, distinguished, and described by proper metes and bounds in the said grant, reference being thereunto had, or the registry thereof in the Office of the Secretary and Register of the Province, will more fully appear: And whereas His said Majesty King William the Fourth did, by Letters Patent under the Great Seal of this Province, bearing date the twenty fifth day of April in the year of our Lord one thousand eight hundred and thirty seven, and in the seventh year of His Reign, grant to Thomas Pickard two roods and sixteen perches of land, situate in Fredericton, and particularly designated, distinguished, and described in the said grant, reference being thereunto had, or the registry thereof in the Office of the Secretary and Register of this Province, will more fully appear: And whereas His said Majesty King William the Fourth did, by Letters Patent under the Great Seal of this Province, bearing date the twenty fifth day of April in the year of our Lord one thousand eight hundred and thirty seven, and in the seventh year of His Reign, also grant to Thomas T. Smith one rood and eight perches of land, situate in Fredericton, and particularly designated, distinguished, and described by proper metes and bounds in the said grant, reference being thereunto had, or

the registry thereof in the Office of the Secretary and Register of this Province, will more fully appear : And whereas His said Majesty King William the Fourth did, by Letters Patent under the Great Seal of this Province, bearing date the twenty fifth day of April in the year of our Lord one thousand eight hundred and thirty seven, and in the seventh year of His Reign, also grant to Abraham T. Coburn one rood and eight poles of land, situate in Fredericton, and particularly designated, distinguished, and described by proper metes and bounds in the said grant, reference being thereunto had, or the registry thereof in the Office of the Secretary and Register of this Province, will more fully appear : And whereas Her present Majesty Queen Victoria did, by Letters Patent under the Great Seal of this Province, bearing date the third day of April in the year of our Lord one thousand eight hundred and forty, and in the third year of Her Reign, also grant to James Tibbetts one rood and eight poles of land, situate in Fredericton, and particularly designated, distinguished, and described by proper metes and bounds in the said grant, reference being thereunto had, or the registry thereof, will more fully appear : And whereas also His late Majesty King George the Third did, by Letters Patent under the Great Seal of this Province, bearing date the ninth day of May in the year of our Lord one thousand eight hundred, and in the fortieth year of His Reign, grant unto the Rector, Church Wardens, and Vestry of Christ Church, in the Parish of Fredericton, and their successors for ever, a lot or tract of land, situate in the Town Plat of Fredericton, and then occupied as a burying ground ; and also the lot or piece of ground on which Christ Church, as the Parish Church of Fredericton aforesaid, then stood and now stands, with a space of ground surrounding the same on the tract reserved for a Common, and other public uses, in front of block number eleven, in the said Town Plat, as particularly designated, distinguished, and described by proper metes and bounds in the said grant, reference being thereunto had, or to the registry thereof in the Office of the Secretary and Register of this Province, will more fully appear : And whereas also His Majesty King George the Third did, by Letters Patent under the Great Seal of this Province, bearing date the first day of December in the year of our Lord one thousand eight hundred

and ten, and in the fifty first year of His Reign, grant unto the Rector, Church Wardens, and Vestry of Christ Church, in the Parish of Fredericton, and their successors for ever, three certain lots or blocks of land, containing in the whole ten acres two roods and thirty one perches, more or less, situate, lying, and being near the southwesterly bank of the River Saint John, at the northwest end of part of the Town Plat of Fredericton, in the County of York, and particularly designated, distinguished, and described by proper metes and bounds in the said grant, reference being had thereunto, or the registry thereof in the Office of the Secretary and Register of this Province, will more fully appear : And whereas His Majesty King George the Fourth, by Letters Patent under the Great Seal of this Province, bearing date the twenty third day of August in the year of our Lord one thousand eight hundred and twenty, grant to Anthony Lockwood one rood and thirteen perches of land, being particularly designated, distinguished, and described by proper metes and bounds in the said grant, reference being thereunto had, or the registry thereof in the Office of the Secretary and Register of the Province, will more fully appear : And whereas His said Majesty King George the Third did, by Letters Patent under the Great Seal of this Province, bearing date the seventeenth day of May in the year of our Lord one thousand eight hundred and seventeen, and in the fifty seventh year of the Reign of His said Majesty King George the Third, grant to Richard Winter one rood and twelve perches of land, being particularly designated, distinguished, and described by proper metes and bounds in the said grant, reference being thereunto had, or the registry thereof in the Office of Secretary and Register of the Province, will more fully appear : And whereas Her present Majesty Queen Victoria did, by Letters Patent under the Great Seal of this Province, bearing date the ninth day of January in the present year of our Lord one thousand eight hundred and forty six, and in the ninth year of Her Reign, grant to the Right Reverend John, the Lord Bishop of Fredericton, and his successors, all that piece or parcel of land situate in Fredericton, lying between Brunswick Street and the River Saint John, and commonly called the Church Green, and particularly designated, distinguished, and described by proper metes and bounds in the said grant, for

the purpose of erecting a Cathedral thereon, and with a proviso therein contained, that no other building or erection, other than the said Cathedral, should be erected or set up thereon, reference being thereunto had, or the registry thereof in the Office of the Secretary and Register of the Province, will more fully appear : And whereas the said several pieces and parcels of land contained in the said several grants above mentioned, are all situate in front of the Town Plat of Fredericton, as described in the Grant to Cornelius Akerman and others, and form part of the land reserved for a Common and other public uses : And whereas doubts have recently been started as to the titles of the aforementioned grantees to the lands specified in the said grants, and the right of the Crown to grant any of the land reserved in Fredericton, has been questioned : And whereas common justice to the individual purchasers and their assigns, as well as the peace and quiet of the inhabitants of Fredericton, alike require that all such doubts should be removed, and any question of the validity of their titles for ever set at rest and quieted ;—

Be it therefore enacted, &c.—1. The said several grants above mentioned, and each and every of them, shall be good, valid, and effectual for all the purposes therein severally contained, and shall be deemed to operate against all persons whatever, according to the terms and conditions of such grant, and subject alone to the provisos and conditions therein contained ; and all Courts of law and equity shall, and they are required, in all suits, actions, or controversies in any way relating thereto, to presume that the title to the land specified in each and every of the aforementioned grants, was in the Crown at the time of the issuing of such grant, and thereby regularly and legally granted and aliened.

2. This Act shall be construed liberally for the purpose of effecting the objects for which it was enacted.

15th VICTORIA—CHAPTER 68.

An Act to settle and secure the Title to certain Lands in the County of Kent.

Section.

1. Reports, &c., where filed, &c.
2. Title to lands, in whom vested.

Section.

3. What to be evidence.
4. What to be filed, and with whom.

Passed 7th April 1852.

WHEREAS by Letters Patent under the Great Seal of the Province of New Brunswick, dated the sixth day of December in the year one thousand seven hundred and ninety three, certain lands now in the County of Kent were granted to Pierre Richard and others as joint tenants: And whereas the occupiers and owners of the said lands, representing themselves to be the owners thereof, during the last Session of the Legislature applied by petition to the House of Assembly for an Act to settle their several Titles, which petition was referred to a Select Committee of the said House, who made a Report, of which the following is a copy, that is to say:—

“The Select Committee to whom was referred the petition of Olivier Richard, Fabien D’Aigle, Fabien Richard, Simeon Thibideau, Joseph Richard, Simeon LeBlanc, and fifty two others, French inhabitants, residing on the south side of the Richibucto River, in the County of Kent, setting forth that in the month of June in the year of our Lord one thousand seven hundred and ninety one, Pierre Richard, Pierre Legere, Paul Babineau, Joseph Richard, Francois Richard, Michael Richard, Jean Baptiste Landry, Jean Richard, Senior, Jean Richard, Junior, Charles Maillet, David Thibideau, Basile Richard, Jean Richard, Joseph Richard, Junior, Pierre Gouelle, and Pierre Arsineau, natives of Canada, the ancestors and original proprietors of the lands on which the petitioners now live, petitioned Sir Thomas Carleton, the then Lieutenant Governor and Commander in Chief of the Province of New Brunswick, setting forth that they were natives of Canada, and settled there, occupied lands whereon they could not make a living, that they desired to enjoy the privileges allowed to British subjects in this Province in holding their lands from the King, and having come to Richibucto in search of situations, where they had found lands to accommodate them, prayed His Excellency to grant them lots on the Richibucto River, and to order the same to be laid out for them, as by a copy of the original application annexed to their petition more fully appears; that in the month of October one thousand seven hundred and ninety one it was ordered in Council that such application should be complied with, the lands to be surveyed at the expense of the applicants; that the petitioners were

informed and believed that a survey was made of the out-boundings in question by an officer under the control and direction of the then Surveyor General of Crown Lands, and that the applicants being unlearned persons, unacquainted with the law of New Brunswick, or the nature of its Grants, and consequently ignorant of that survey which was requisite to define their respective rights, and implicitly trusting to the wisdom and care of His Excellency and Council, and the Surveyor General, to do what was necessary to ascertain and establish their rights, and to give them their respective lots agreeably to their petition, paid what was demanded of them for survey by the Surveyor General, and accordingly on the sixth day of December in the year of our Lord one thousand seven hundred and ninety three, a Grant, including lands to other persons, was issued of the lands in question to the applicants and others, their heirs and assigns, being the forefathers, ancestors, and persons through whom the petitioners now claim the same, containing six thousand four hundred acres, more or less, situate, lying, and being adjoining the Harbour and River of Richibucto, on the Gulf of Saint Lawrence, abutted, bounded, and described as in the second tract named in the extract of the original Grant, and a copy of the original Plan in the Crown Land Office, annexed to their petition, more fully appears; that the Grant so issued, as it was afterwards discovered by the grantees, gave no distinct allotments by plan or otherwise to the applicants, in severalty or portions, by metes, bounds, or positions, to enable the respective owners to lay off their lands by the aid of a Surveyor or otherwise, as is usual in such cases; and the original parties entered thereon, occupied, and died without any division lines of their respective rights ever having been made between them; that there are now upwards of fifty families on the said tract, consisting of a population of upwards of five hundred persons, living thereon, being the children. grand-children, descendants, and purchasers of the original proprietors, with no distinct allotment. especially of the wilderness land; that the petitioners are placed in a most embarrassed and unfortunate situation, having no allotments which each individual or family can call its own and whereon to make improvements, or have the security of a home, nor capable of resorting to the

ordinary legal remedies when wrongs are committed upon them ; that although various persons from Richibucto and other places, without right, and in no way connected with the lands in question, come and occupy them, or at least repeatedly cut and carry the best of the lumber, wood, and other trees growing upon the lands, and required for the immediate and necessary wants of the occupants, the petitioners have no legal power to prevent or punish them ; that the petitioners are consequently suffering great injury arising from the extraordinary character of the Grant referred to, so issued by the Government without any apportionment or designation into lots by plan or otherwise, agreeably to the intention and wording of the aforesaid application, to enable the intermediate boundaries to be run, as was usual and essential in such cases, at the time such Grant issued ; and praying that their unfortunate situation may be taken into account and some provision made for dividing the lands and remedying the grievances therein complained of, or that such other relief may be afforded to them as to right and justice may belong, Report—Your Committee having taken the circumstances of the case into their consideration, recommend that the Government should appoint during the ensuing summer a competent person from the indoor establishment of the Crown Land Office, to investigate the matters set forth in said petition, and the situation of land and the parties living thereon, and report for the information of this House at the next Session, and that Government pay his necessary expenses, and this House will make provision for the same, and that the House do address His Excellency to carry out this Report.

Committee Room, }
26th April, 1851. }

W. J. RITCHIE.
D. HANINGTON.
R. B. CUTLER."

In pursuance of which Report the said House voted an Address to His Excellency the Lieutenant Governor, of which the following is a copy, that is to say :—"Resolved, That a copy of the Report of the Committee on the Petition of Olivier Richard and others, French inhabitants at Richibucto, as regards the defining of the bounds of an ancient Grant under which they hold their titles, be communicated to His Excellency the Lieutenant Governor ; and that an humble Address be presented

to His Excellency, praying that His Excellency will be pleased to cause the recommendation therein contained to be carried into effect :” And whereas in pursuance of such Address, His Excellency the Lieutenant Governor in Council, on the fourth day of October in the year of our Lord one thousand eight hundred and fifty one, appointed the Honorable James Davidson to investigate the matters set forth in the said Report of the said Select Committee, the situation of the lands, and to report the names of the respective parties living thereon, with their respective localities : And whereas in pursuance of such appointment the said James Davidson has attended to the duties thereby in him reposed, and has made a report of his doings to His Excellency the Lieutenant Governor, which has been laid before the House of Assembly, together with Schedules A and B and the plan therein referred to, of which Report and Schedules the following are copies :—

“ Miramichi, January 20th, 1852.

“ SIR,—In pursuance of your communication of the 4th August last, I proceeded to Richibucto on the 11th October, when I called a meeting of the inhabitants interested in the Grant. On examination, I found it impossible to trace the respective claims by heirship, from their intermarriages, &c. After considerable conversation with them, I considered that the only thing I could do was to make a correct survey and plan of the whole Grant, agreeably to the way they had themselves divided and continued to occupy it for several years. It appears that two tracts of land were granted to these people in the year 1793, and the second tract in the said grant, which is the land in question, was granted to Pierre Richard and fifteen others jointly. The original proprietors divided the land among themselves, as well the woodland as the plot of ground on which they then settled, and is now called the Village. The second generation made another division, and it has since been sub-divided as they increased, until they arrived at the strange figures represented on the plan herewith sent. I suggested to them the propriety of having the land laid off in something like regular lots, or as much so as possibly could be done under the circumstances, but they objected to make the least deviation from their present possessions. All the persons named in the Schedule attached to the

plan are those at present in possession, and are the descendants of the original grantees, persons and their descendants, who have married heirs, and a few who have purchased, but they appear to be all perfectly satisfied that the present occupants are the sole and only owners, agreeably to the manner in which it has been surveyed. The possessors are altogether of French descent, with one exception, Henry Peters, who occupies a lot purchased from the original owners, (for the purpose of building a grist mill) by Thomas Atkinson, his father-in-law, who died last December at the advanced age of ninety five years, and left this property by deed to the said Henry Peters and his wife. A few of the heirs have left Richibucto and gone to Prince Edward Island and other places, but I was informed by all those remaining, that all those persons have sold their respective shares prior to their leaving. The proprietors then stated to me that they would give any price to any of those interested in the grant who was determined to sell, rather than that he would sell it to a stranger, as they were determined not to sell any part of it to any person but to some of those interested, until they got the matter settled, and that then each would be master of his own and could do as he pleased with it. As relates to the Marshes, I found the divisions so small that it was impossible to mark the separate lots on a plan; in many instances the Marsh lots are not sixty links wide; I therefore surveyed the whole of the Marshes, and distinguished them separately from the Upland on the plan. There will be no difficulty about the Marsh, as each party has his lot well marked off, and continues to occupy it without any interference. I was very careful in taking down the names of the respective occupants, to ascertain the proportion belonging to each, as will be seen on reference to the Schedule attached to the plan; and from the best information I could get, I think the present occupants are the only and sole owners, agreeably to the different proportions mentioned in the said Schedule. When I went to Richibucto and ascertained what was to be done, I found that I could not spare so much time as it would require to complete the whole myself, I therefore employed Peter Muserol, the Deputy Surveyor of that district, to assist me, who was with me the whole time, and I found him well qualified for the duties he had to perform.

Agreeably to your instructions, I send herewith my Account for this service, which I trust will be satisfactory, and I will only add that I spared no pains to obtain the best possible information.

I have the honor to be Sir,

Your most obedient servant,

JAS. DAVIDSON.

Honorable John R. Partelow,
Provincial Secretary, Fredericton."

A

"SCHEDULE containing the names of the possessors of the Grant to Pierre Richard and fifteen others at Richibucto, with the number of each Lot as represented on the Plan:—

No. 1. Dominic Richard, Jno. Babineau, Damas Richard, and Jos. Allen ;—2. Dominic Richard ;—3. John Babineau ;—4. Dominic Richard ;—5. John Babineau ;—6. Damas Richard ;—7. Joseph Allen ;—8. Damas Richard ;—9. Dominic Richard, Jno. Babineau, Damas Richard, and Joseph Allen ;—10. John Babineau ;—11. Damas Richard ;—12. John Babineau ;—13. Joseph Allen ;—17. John Babineau ;—18. Damas Richard ;—19. John Joseph Richard ;—20. Dominic Richard, Jno. Babino, Damas Richard, and Joseph Allen ;—21. Henry Peters and Roina Peters his wife ;—22. Henry Peters, 1-3 ; Maxime Daigle, Luke Daigle, Simon Hebert, Fabian Richard, Simon Richard, Oliver Richard, one equal share of the remaining 2-3 ;—23. Eustache Thibideau, 3-4 ; and Laurent Thibideau, 1-4 ;—24. Eustache Thibideau, 1-4 ; Urban Richard, 1-2 ; Simon Bazil Richard, 1-8 ; John Louis Babineau, Susan Richard, Teressa Richard, Julie Richard, Isabella Richard, 1-8 among them ;—25. John Maillet, 1-2 ; John B. M'Kay and Pierre Maillet, 1-4 each ;—26. Urban Richard, Susan Breau, Mary Maillet, 1-3 each ;—27. Oliver Richard, Martin Richard, Francis Richard, Michel Richard, Mary Richard, Isabella Bourke, (formerly Richard), Eulilie Richard, Helen Breau, (formerly Richard), Margaret Richard, 1-10 each ; Bridget and Oriet Richard, 1-20 each ;—28. Raymond Richard ;—29. Little John Richard ;—30. Simon Babineau ;—31. Jaque Richard ;—32. Fidelle Cassey ;—33. Simon Bazil Richard, 1-2 ; John Louis Babineau, Susan Richard, Teressa Richard, Julie Richard, Isabella Richard,

the other half among them ;—34. Lamant Maillet ;—35. John Joseph Richard ;—36. John Maillet, 1-3 ; Pierre Maillet, 1-3 ; John B. M'Kay, 1-3 ;—37. Eustache Thibideau, 3-4 ; Laurent Thibideau, 1-4 ;—38. Mary Gallon, (formerly Bennet) ;—39. Eustache Thibideau ;—40. Urban Richard, Susan Breau, (formerly Richard), and Mary Maillet, (formerly Richard) ;—41. Maxim Daigle and Luke Daigle ;—42. John Maillet, 2-7 ; Urban Richard, 2-7 ; John B. M'Kay, 1-7 ; Peter Maillet, 1-7 ; John Louie Babineau, Susan Richard, Teressa Richard, Julia Richard, Isabella Richard, 1-14 among them ; and Simon Bazil Richard, 1-14 ;—43. Eustache Thibideau, 3-4 ; Laurent Thibideau, 1-4 ;—44. Urban Richard, 2-3 ; Susan Breau, (formerly Richard), 1-3 ;—45. Mary Babineau, (formerly Maillet), and Gertrude Cassey, (formerly Richard) ;—46. John Maillet, 1-4 ; Urban Richard, 1-4 ; Pierre Maillet, 1-8 ; and John B. M'Kay, 1-8 ;—47. Urban Richard, 3-7 ; Martin Richard, 1-7 ; Eustache Thibideau, 3-7 ;—48. Simon Bazil Richard, 1-2 ; John Louis Babineau, Susan Richard, Teressa Richard, Julie Richard, Isabella Richard, one half among them, being children of Mary Richard ;—49. Raymond Richard ;—50. Little John Richard ;—51. Oliver Richard, Martin Richard, Francis Richard, Michel Richard, Mary Richard, Isabella Bourke, (formerly Richard), Eulilie Richard, Helen Breau, (formerly Richard), Margaret Richard, 1-10 each ; Bridget and Oriet Richard, 1-20 each ;—52. Sylvan Cassey ;—53. John Joseph Richard ;—54. Sylvan Cassey ;—55. Maxim Daigle and Luke Daigle ;—56. Little John Richard ;—57. Raymond Richard ;—58. Simon Bazil Richard, 1-2 ; John Louie Babineau, Susan Richard, Teressa Richard, Julia Richard, Isabella Richard, one half among them ;—59. Urban Richard, 3-7 ; Martin Richard, 1-7 ; Eustache Thibideau, 3-7 ;—60. John Maillet, 1-2 ; John B. M'Kay, 1-4 ; Peter Maillet, 1-4 ;—61. Urban Richard, 1-2 ; Susan Breau, (formerly Richard), 1-2 ;—62. Eustache Thibideau, 3-4 ; Laurent Thibideau, 1-4 ;—63. Eustache Thibideau, 3-4 ; Laurent Thibideau, 1-4 ;—64. Eustache Thibideau, 3-4 ; Laurent Thibideau, 1-4 ;—65. Urban Richard and Susan Breau, (formerly Richard, 1-2 each ;—66. John Maillet, 1-2 ; John B. M'Kay, 1-4 ; Peter Maillet, 1-4 ;—67. Urban Richard, 3-7 ; Martin Richard, 1-7 ; Eustache Thibideau, 3-7 ;—68. Simon

Bazil Richard, 1-2 ; John Louis Babineau, Susan Richard, Teresa Richard, Julie Richard, Isabella Richard, one half among them ;—69. Raymond Richard ;—70. Little John Richard ;—71. Little John Richard ;—72. Raymond Richard ;—73. Simon Bazil Richard, 1-2 ; John Louis Babineau, Susan Richard, Teresa Richard, Julia Richard, Isabella Richard, one half among them ;—74. Urban Richard, 3-7 ; Martin Richard, 1-7 ; Eustache Thibideau, 3-7 ;—75. John Maillet, 1-2 ; John B. M'Kay, 1-4 ; Peter Maillet, 1-4 ;—76. Urban Richard and Susan Breau, (formerly Richard), half each ;—77. Laurent Thibideau ;—78. Mary Gallon, (formerly Bennet) 1-2 ; Eustache Thibideau, 1-2 ;—79. Urban Richard ;—80. Laurent Thibideau ;—81. John B. M'Kay and Pierre Maillet ;—82. John B. M'Kay and Pierre Maillet ;—83. John Maillet ;—84. Francis Maillet and Germain Maillet ;—85. John Maillet ;—86. Urban Richard, Susan Breau, (formerly Richard) ;—87. Eustache Thibideau ;—88. Eustache Thibideau ;—89. Susan Breau ;—90. John Maillet ;—91. Urban Richard ;—92. Martin Richard ;—93. John Louis Babineau, Susan Richard, Julia Richard, Teresa Richard, Isabella Richard ;—94. Simon Bazil Richard ;—95. Roman Catholic Episcopal Corporation for the Diocese of New Brunswick ;—96. John B. M'Kay and Peter Maillet ;—97. John Maillet ;—98. Raymond Richard ;—99. Little John Richard ;—100. Raymond Richard ;—101. Simon Bazil Richard ;—102. Little John Richard ;—103. Oliver, Martin, Francis, Michel, Mary, Eulilie, and Margaret Richard, 1-10 each ; Isabella Bourk, (formerly Richard), Helen Breau, (formerly Richard), 1-10 each ; Bridget and Oriet Richard, 1-20 each ;—104. John Joseph Richard ;—105. Fidelle Cassey ;—106. Joseph Babineau ;—107. Laurant Maillet ;—108. Laurant Maillet ;—109. Joseph Babineau ;—110. Fidelle Cassey ;—111. John Joseph Richard ;—112. Oliver, Martin, Francis, Michel, Mary, Eulilie, and Margaret Richard, 1-10 each ; Isabella Bourke, (formerly Richard), Helen Breau, (formerly Richard), 1-10 each ; Bridget and Oriet Richard, 1-20 each ;—113. Same as 112 ;—114. John Joseph Richard ;—115. Simon Babineau ;—116. Felicity Le-Blanc, (formerly Richard) ;—117. Olivier, Martin, Francis, Michel, Mary, Eulilie, and Margaret Richard, 1-10 each ; Isabella Bourke, (formerly Richard), Helen Breau, (formerly

Richard), 1-10 each; Bridget and Oriet Richard, 1-20 each;—118. Joseph Casey;—119. John Joseph Richard;—120. Felicity LeBlanc, (formerly Richard), 1-2; the other half to Oliver, Martin, Francis, Michel, Mary, Eulilie, and Margaret Richard, 1-10 each; Isabella Bourke, (formerly Richard), Helen Breau, (formerly Richard), 1-10 each; Bridget and Oriet Richard, 1-20 each;—121. John Joseph Richard;—122. Felicity LeBlanc, (formerly Richard);—123. John Joseph Richard;—124. John Joseph Richard;—125. Simon Bazil Richard, 1-2; John Louis Babineau, Susan, Teressa, Julia, and Isabella Richard, one half among them;—126. Maxime and Luke Daigle;—127. Maxime and Luke Daigle;—128. Charlemaing Arcineau;—129. Mark Maillet, 1-2; Francis and Germain Maillet, 1-4 each;—130. John Maillet, 1-4; Urban Richard, 1-4; John B. M'Kay, 1-8; Peter Maillet, 1-8; Eustache Thibideau, 1-8; Simon Bazil Richard, 1-8;—131. Mark Maillet, 1-2; Francis and Germain Maillet, 1-4 each;—132. Little John Richard;—133; Little John Richard;—134. Laurent Babineau;—135. Simon Bazil Richard, 1-2; John Louis Babineau, Susan, Teressa, Julie, and Isabella Richard, one half among them;—136. Raymond Richard;—137. Urban Richard;—138. Urban Richard, 1-3; Susan Breau, 1-3; Mary Maillet, (formerly Richard,) 1-3;—139. Oliver, Francis, Martin, Michel, Mary, Eulilie, and Margaret Richard, 1-10 each; Isabella Bourke, (formerly Richard), Helen Breau, (formerly Richard), 1-10 each; Bridget and Oriet Richard, 1-20 each;—140. Luke Daigle, Maxime Daigle, Fabian Daigle, Margaret Daigle, Louisa Daigle, 1-6 each; and Damian Richard, Mary Richard, and Margaret Richard, 1-6 among them;—141. Eustache Thibideau, 3-4; Laurent Thibideau, 1-4;—142. Pierre Casey;—143. John Joseph Richard;—144. Joseph Casey;—145. Margaret Daigle, (formerly Richard);—146. Simon Babineau;—147. John Maillet;—148. Urban Richard, Susan Breau, Mary Maillet, (formerly Richard), 1-3 each;—149. John Maillet, 1-4; Pierre Maillet and John B. M'Kay, 1-8 each; Urban Richard, 1-4; Eustache Thibideau, 1-8; John Louis Babineau, Susan, Teressa, Julia, and Isabella Richard, 1-8 among them;—150. John Joseph Richard;—151. Urban Richard;—152. Eustache Thibideau, 3-4; Laurent Thibideau, 1-4;—153.

Oliver, Martin, Francis, Michel, Mary, Eulilie, and Margaret Richard, 1-10 each; Isabella Bourke, (formerly Richard), Helen Breau, (formerly Richard), 1-10 each; Bridget and Oriet Richard, 1-20 each;—154. Simon Richard, Fabian Richard, Oliver Richard, Simon Hebert;—155. Simon Thibideau and Little Joseph Richard;—156. Fabian Richard;—157. Simon Thibideau;—158. Little John Richard;—159. Simon LeBlanc;—160. Germain Maillet;—161. Francis Maillet;—162. Pierre Casey;—163. Oliver Maillet;—164. Simon Richard;—165. Ami Maillet;—166. Laurent Richard;—167. Eustache Thibideau;—168. Charles Richard;—169. Big Joseph Richard;—170. Oliver, Martin, Francis, Michel, Mary, Eulilie, and Margaret Richard, 1-10 each; Isabella Bourke, (formerly Richard), Helen Breau, (formerly Richard), 1-10 each; Bridget and Oriet Richard, 1-20 each;—171. Germain Thibideau;—172. Germain Thibideau, 1-2; and the other half to Oliver, Martin, Francis, Michel, Mary, Eulilie, and Margaret Richard, 1-10 each; Isabella Bourke, (formerly Richard), Helen Breau, (formerly Richard), 1-10; Bridget and Oriet Richard, 1-20 each;—173. Ami Maillet and Oliver Maillet, one half each;—174. Simon Thibideau, 3-4; Peter Casey, 1-4;—175. Laurent Richard;—176. Francis Maillet;—177. Little John Richard;—178. Francis Maillet;—179. Laurent Richard;—180. Oliver, Martin, Francis, Michel, Mary, Eulilie, and Margaret Richard, 1-10 each; Isabella Bourke, (formerly Richard), Helen Breau, (formerly Richard), 1-10 each; Bridget and Oriet Richard, 1-20 each;—181. Eustache Thibideau;—182. Little John Richard;—183. Oliver Maillet;—184. Pierre Casey;—185. Simon Bazil Richard and Charles Richard;—186. Overplus belongs to the whole.—*Richibucto Island*.—187. Raymond Richard;—188. Eustache Thibideau, 3-4; Laurent Thibideau, 1-4;—189. Lamant Maillet;—190. John Joseph Richard;—191. Simon Bazil Richard, 1-2; John Louis Babineau, Susan, Teresa, Julie, Isabella Richard, one half among them;—192. John Maillet, 1-4; Urban Richard, 1-4; Pierre Maillet, 1-8; Jno. B. K'Kay, 1-8; Eustache Thibideau, 1-8; Simon Bazil Richard, 1-8;—193. Fidelle Casey;—194. Oliver, Martin, Francis, Michel, Mary, Eulilie, and Margaret Richard, 1-10 each; Isabella Bourke, (formerly Richard), Helen Breau, (formerly

Richard), 1-10 each; Bridget and Oriet Richard, 1-20 each;—195. Dominique Richard, John Babineau, Damas Richard, and Joseph Allen;—196. Urban Richard, Susan Breau, (formerly Richard), Mary Maillet, (formerly Richard);—197. Damas and Dominique Richard;—198. Little John Richard;—199. Simon Babineau;—200. Maxime Daigle, Luke Daigle, Simon Hebert, Fabian Richard, Simon Richard, Oliver Richard; 201. John Maillet, 1-3; Pierre Maillet, 1-3; John B. M'Kay, 1-3;—202. Urban Richard, Susan Breau, (formerly Richard), Mary Maillet, (formerly Richard).

14. Dominic Richard, }
 15. Dominic Richard, } These were left out at
 16. Joseph Allen, } the proper place.

Miramichi, Jany. 20, 1852.

JAMES DAVIDSON, *Dy. Surveyor.*"

B

"Abstract of Schedule, shewing the several Lots and proportions of Lots owned by each person :—

Dominic Richard, John Babineau, Damas Richard, and Joseph Allen, Lots No. 1, 9, 20, and 195 on the Island :

Dominic Richard, Lots No. 2, 4, 14, 15 :

John Babineau, No. 3, 5, 10, 12, 17 :

Damas Richard, No. 6, 8, 11, 18 :

Joseph Allen, No. 7, 13, 16 :

John Joseph Richard, No. 19, 35, 53, 104, 111, 114, 119, 121, 123, 124, 143, 150, and Island Lot No. 190 :

Henry Peters and Roina his wife, Lot No. 21 :

Henry Peters, northwesterly third of Lot 22 :

Maxime Daigle, Luke Daigle, Simon Hebert, Fabian Richard, Simon Richard, and Oliver Richard, one share each of the remaining two thirds of Lot 22 and Island Lot 200 :

Eustache Thibideau, 3-4, and Laurent Thibideau, 1-4 of Lots 23, 37, 43, 62, 63, 64, 141, 152, and Island Lot 188 :

Eustache Thibideau, 1-4; Urban Richard, 1-2; Simon Bazil Richard, 1-8; John Louis Babineau, Susan, Teresa, Julia, and Isabella Richard, 1-8 equally among them of Lot 24 :

John Maillet, 1-2; John B. M'Kay and Pierre Maillet, 1-4 each of Lots No. 25, 60, 66, 75 :

Urban Richard, Susan Breau, and Mary Maillet, 1-3 each of Lots No. 26, 40, 138, 148, and Island Lots 196 and 202 :

Oliver Richard, Martin Richard, Francis Richard, Michel Richard, Mary Richard, Isabella Bourke, Eulilie Richard, Helen Breau, Margaret Richard, 1-10 each ; Bridget and Oriet Richard, 1-20 each of Lots No. 27, 51, 103, 112, 113, 117, 139, 153, 170, 180, and Island Lot No. 194 :

Raymond Richard, Lots No. 28, 49, 57, 69, 72, 98, 100, 136, and Island Lot No. 187 :

Little John Richard, No. 29, 50, 56, 70, 71, 99, 102, 132, 133, 158, 177, 182, and Island Lot No. 198 :

Simon Babineau, Lots No. 30, 115, 146, and Island Lot 199 :

Jaque Richard, No. 31 :

Fidelle Casey, No. 32, 105, 110, and Island Lot 193 :

Simon Bazil Richard, 1-2 ; John Louis Babineau, Susan, Teresa, Julie, and Isabella Richard, equal shares of remaining half of Lots No. 33, 48, 58, 68, 73, 125, 135, and Island Lot 191 :

Lamant Maillet, Lots No. 34, 107, 108, and Island Lot 189 :

John Maillet, Pierre Maillet, and John B. M'Kay, 1-3 each of Lot No. 36, and Island Lot 201 :

Mary Gallon, (formerly Bennet), Lot No. 38 :

Eustache Thibideau, Lots No. 39, 87, 88, 167, 181 :

Maxime Daigle and Luke Daigle, No. 41, 55, 126, 127 :

John Maillet and Urban Richard, 2-7 each ; John B. M'Kay and Peter Maillet, 1-7 each ; John Louis Babineau, Susan, Teresa, Julie, and Isabella Richard, 1-14 among them ; Simon Bazil Richard, 1-14, Lot No. 42 :

Urban Richard 2-3 ; and Susan Breau, 1-3, No. 44 :

Mary Babineau and Gertrude Casey, half each, No. 45 :

Urban Richard, 3-7 ; Martin Richard, 1-7 ; Eustache Thibideau, 3-7, of Lots No. 47, 59, 67, 74 :

John Maillet, and Urban Richard, 1-4 each : Pierre Maillet, John B. M'Kay, Eustache Thibideau, and Simon Bazil Richard, 1-8 each, Lots 46, 130, and Island Lot 192 :

Sylvan Casey, Lots No. 52, 54 :

Urban Richard, and Susan Breau, 1-2 each, No. 61, 65, 76, 86 :

Laurent Thibideau, No. 77 and 80 :

Eustache Thibideau, and Mary Gallon, one half each of Lot No. 78 :

- Urban Richard, Lots No. 79, 91, 137, 151 :
John Baptist M'Kay, and Pierre Maillet, 1-2 each, No. 81, 82, 96 :
John Maillet, No. 83, 85, 90, 97, 147 :
Francis Maillet, and Germain Maillet, 1-2 each, Lot No. 84 :
Susan Breau, No. 89 :
Martin Richard, 92 :
John Louis Babineau, Susan, Teressa, Julie, and Isabella Richard, Lot No. 93 :
Simon Bazil Richard, No. 94, 101 :
Roman Catholic Episcopal Corporation, No. 95 :
Joseph Babineau, Lots No. 106, 109 :
Felicity LeBlanc, Lots No. 116, 122 :
Joseph Casey, Lot No. 118 :
Felicity LeBlanc, 1-2 ; Oliver, Martin, Francis, Michel, Mary, Eulilie, and Margaret Richard, Isabella Bourke, Helen Breau, 1-10 each ; Bridget and Oriet Richard, 1-20 each of the remaining half of Lot No. 120 :
Charlemang Arcineau, Lot No. 128 :
Laurent Babineau, 134 :
Mark Maillet, 1-2 ; Francis and Germain Maillet, 1-4 each of Lots No. 129 and 131 :
Luke, Maxime, Fabian, Margaret, Louisa Daigle, 1-6 each ; Damien, Mary, and Margaret Richard, 1-6 among them of Lot No. 140 :
Pierre Casey, Lots No. 142, 162, 184 :
Joseph Casey, Lot No. 144 :
Margaret Daigle, (formerly Richard,) Lot No. 145 :
John Maillet, 1-4 ; Pierre Maillet, and John B. M'Kay, 1-8 each ; Urban Richard, 1-4 ; Eustache Thibideau, 1-8 ; John Louis Babineau, Susan, Teressa, Julie, and Isabella Richard, 1-8 among them, Lot No. 149 :
Simon Richard, Fabian Richard, Oliver Richard, and Simon Hebert, 1-4 each, Lot No. 154 :
Simon Thibideau, and Little Joseph Richard, 1-2 each, No. 155 :
Fabian Richard, Lot No. 156 :
Simon Thibideau, 157 :
Simon LeBlanc, Lot No. 159 :
Germain Maillet, Lot No. 160 :

Francis Maillet, Lots No. 161, 176, 178 :

Oliver Maillet, Lots No. 163, 183 :

Simon Richard, Lot No. 164 :

Ami Maillet, Lot No 165 :

Laurent Richard, Lots No. 166, 175, 179 :

Charles Richard, Lot No. 168 :

Big Joseph Richard, Lot 169 :

Germain Thibideau, Lot No. 171 :

Germain Thibideau, 1-2 ; Oliver, Martin, Francis, Michel, Mary, Eulilie, and Margaret Richard, Isabella Bourke, Helen Breau, 1-10 each ; Bridget and Oriet Richard, 1-20 each of the remaining half of Lot No. 172 :

Ami Maillet, and Oliver Maillet, 1-2 each, Lot No. 173 :

Simon Thibideau, 3-4 ; and Peter Casey, 1-4 of Lot No. 174 :

Simon Basil Richard, and Charles Richard, Lot No. 185.

Miramichi, Jany. 20th, 1852.

JAMES DAVIDSON, *Dy. Surveyor.*”

And whereas the said Report and Schedules, together with the Plan therein' referred to, are by this Act directed to be filed in the Secretary's Office, and entered of Record therein : And whereas with a view of carrying out the recommendation of the House of Assembly as contained in the said Report of the said Select Committee as aforesaid ;—

Be it therefore enacted, &c.—1. The said Report and Schedules marked A and B, set forth in the recital to this Act, together with the Plan accompanying the same, so made by the Honorable James Davidson, the person appointed as above set forth, dated the twentieth day of January one thousand eight hundred and fifty two, shall be deposited in the Provincial Secretary's Office, and entered of Record therein, as Grants and Plans are entered.

2. A good and legal title to the respective lots marked on the said Plan, or actually laid off by metes and bounds by the said James Davidson, is hereby severally vested in the persons named in the said Schedules, Plan, and Report, as owners thereof, subject as hereinafter mentioned.

3. From and after the passing of this Act, a certified copy of the said Plan, Report, and Schedules, or of the Record thereof, under the Great Seal of this Province, or certified according

to the provisions of an Act made and passed in the third year of the Reign of Her present Majesty, intituled *An Act to amend the Law of Evidence in regard to the proof of Records and Letters Patent*, shall be good and legal evidence in any Court of law or equity in this Province of the several titles of the respective persons mentioned by the said James Davidson, their heirs and assigns, to the lands therein described as belonging to them respectively ; provided always, that nothing in this Act contained shall extend or be construed to extend to interfere with or militate against the legal right of any party or parties claiming title or interest in or to any part or parts thereof, whose names are not included in the said Schedules A and B.

4. A certified copy of the said Plan, Report, and Schedules, shall be transmitted to the office of the Registrar of Deeds and Wills in the County of Kent, the said Schedules to be registered in the said office, and the said Plan and Report to be kept on file for reference, at the expense of the parties interested, who are hereby required to pay the Registrar his fees before he be required to register such Schedules, Plan, and Report.

PICKETT ESCHEAT.

15th VICTORIA—CHAPTER 52.**An Act relating to the escheated property of Munson Gould Pickett.**

Section. 1.—Pickett escheat property, how may be disposed of.

Passed 7th April 1852.

WHEREAS certain property formerly belonging to Munson Gould Pickett has by judgment of escheat become vested in the Crown, and it is expedient that power should be given to the Government to grant or dispose of the same in such manner and on such conditions as may be deemed necessary ;—

Be it therefore enacted, &c.—1. Notwithstanding any thing contained in the fifth Section of an Act made and passed in the eighth year of the Reign of His late Majesty William the Fourth, intituled *An Act for the support of the Civil Government of this Province*, it shall be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to grant, lease, or otherwise dispose of, either by private sale or by way of gift, all or any part of the property, whether real or personal, formerly belonging to Munson Gould Pickett, and now by judgment of escheat vested in the Crown, to such person or persons, and upon such terms and conditions as to the Lieutenant Governor or Administrator of the Government, by and with the advice and consent aforesaid, may be deemed advisable.

TURNER'S MILL.

12th VICTORIA—CHAPTER 12.

An Act to legalize the conveyance of Water to Turner's Grist Mill, in the Parish of Saint Patrick, in the County of Charlotte.

Section 1.—Troughs, &c., across road, &c., lawful.

Passed 8th March 1849.

WHEREAS Richard Turner, of the Parish of Saint Patrick, in the County of Charlotte, has built a Grist Mill at the head of Tide-water at Bocabec Marsh, (so called) : And whereas for the purpose of driving the machinery of said grist mill, it was necessary and convenient to convey the water to said mill by troughs to be laid across and under the surface of the Queen's highway : And whereas the said mill is of great public benefit ;—

Be it therefore enacted, &c.—1. It shall and may be lawful for the said Richard Turner, owner, owners, or occupiers of said mill, to erect, build, keep up, and maintain such troughs as may be required to convey the water for the purpose of driving the machinery of said mill, across and under the surface of the said highway ; provided nevertheless, that the Supervisor or Commissioners of said highway, or the major part of them, shall be at liberty to order and cause the removal of said troughs, for the purpose of repairing the said highway, when and so often as the same may be found necessary in the opinion of the Supervisor or Commissioners for the time being, or the major part of said Commissioners ; provided also, that nothing herein contained shall be construed to permit any impediments to the free and unobstructed use of the said highway for all Her Majesty's subjects and others passing and repassing ; and should any obstruction take place, or should any injury be caused to the said highway by or in consequence of the construction or maintaining of the said troughs, the same shall be deemed and taken to be a common nuisance.

MALLEABLE IRON.

16th VICTORIA—CHAPTER 46.**An Act to authorize the granting Letters Patent for the manufacture of Malleable Iron from the Ore.**

Section.

Section.

1. Letters Patent, when and to whom granted.

2. Benefit of Patent.

Passed 3rd May 1853.

WHEREAS one John Cairns, of Dundas, in the County of Kent, has made application to the Government to obtain Letters Patent for an improved mode of smelting and manufacturing malleable or bar iron from the ore without reducing it to pig iron: And whereas under the present Law the Government is not authorized to grant Letters Patent to any but the original inventor or assignee of the whole Patent: And whereas the said John Cairns alleges that he is the proprietor of a share in a Patent taken out in Great Britain by one William Neale Clay, for such process, which has not been worked under in consequence of the death of the original inventor: And whereas the benefits of such process cannot be obtained unless such Patent be granted to the said John Cairns;—

Be it enacted, &c.—1. The Lieutenant Governor in Council be and he is hereby authorized and empowered to grant letters patent to the said John Cairns, and to all or any other proprietor of said patent so granted in Great Britain, or his representative or assignee, when any such person or assignee may apply for the same, for the said process of smelting and manufacturing malleable or bar iron direct from the ore, if upon his application it be made to appear to the satisfaction of His Excellency in Council, that a cheaper or better material can be thus obtained, and private rights not be interfered with.

2. The patent so granted is not to be of longer duration than ten years, and is to be subject to the same provisions, and entitled to all the benefits of protection in this Province, as if the said John Cairns had been the original inventor; provided always, that the Lieutenant Governor in Council may at the time of granting such letters patent, make such further

conditions or provisions for the regulation of such patent, or the protection of the public interest, or the rights of individuals, as may be deemed necessary, in order that the other proprietors or joint owners, or their representatives, may have the like advantage of the said patent when granted; and the patent shall not issue until the provisions of any law in force at the time of such issue, relating to the assignee of any patent obtained in any other country, are complied with.

BANKS.

60th GEORGE 3rd—CHAPTER 13.

An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Bank of New Brunswick.

Section.

1. Incorporation of Company.
2. Repealed.
3. To what amount may hold lands.
4. General meeting when may be called, and Directors chosen.
5. Stockholders, annual meeting of.
6. What officers may be appointed, by whom.
7. Directors, number to make Board.
8. Not to have salaries; exception.
9. Qualification of.
10. Cashier, &c. what sureties to give.
11. Stockholders' votes.
12. How may vote.
13. Obsolete.
14. Vacancies in Board, how filled.
- 15 & 16. Obsolete.

Section.

17. Shares assignable.
18. Bank, in what may deal.
19. Debts, what responsible for.
20. Notes, form of.
21. Debts, what not to exceed.
22. Dividends.
23. Books of Bank, inspection of.
24. Bills, &c. how signed, &c.
25. Altered, &c. Notes, to what extent to be paid.
26. Bank, where kept.
27. General meeting, when held; statement, &c.
28. Access to books, by whom.
29. General meeting, who may call.
30. Business of Bank, how closed.
31. Limitation.

Passed 25th March 1820.

WHEREAS it is thought that the establishment of a Bank at the City of Saint John, would promote the interests of the Province, by increasing the means of circulation;—

Be it enacted, &c.—1. The Honorable John Robinson, the Honorable William Black, the Honorable Samuel D. Street, Henry Wright, Hugh Johnston, Thomas Millidge, Nehemiah Merritt, Ward Chipman, Junior, Zalmon Wheeler, Robert Pagan, Peter Fraser, Harry Peters, John Campbell, Charles I. Peters, Henry Smith, Mark Needham, Thomas Wyer, Junior, Christopher Scott, Elijah Miles, and William Botsford, their associates, successors, or assigns, be and they are hereby declared to be a body corporate, by the name of “The President, Directors, and Company of the Bank of New Brunswick,” and they shall be persons able and capable in law to have, get, receive, take, possess, and enjoy houses, lands, tenements, hereditaments, and rents, in fee simple or otherwise, and also goods and chattels, and all other things real, personal, or mixt, and also to give, grant, let, or assign the same, or any part thereof, and to do and execute all other things in and about the same, as they shall think necessary for the benefit and advantage of the said Corporation; and also that they be persons able and in law capable to sue and be sued, plead and be

impleaded, answer and be answered unto, defend and be defended, in any Court or Courts of law and equity, or any other places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes, and matters whatsoever, in as full and ample a manner as any other person or persons are in law capable of suing and being sued, pleading and of being impleaded, answering and of being answered unto, and also that they shall have one common seal to serve for the en sealing of all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreement, assignments, powers and warrants of attorney, and all and singular their affairs and things touching and concerning the said Corporation; and also that they, the President, Directors, and Company, or the major part of them, shall from time to time and at all times, have full power, authority, and licence to constitute, ordain, make, and establish such laws and ordinances as may be thought necessary for the good rule and government of the said Corporation; provided that such laws and ordinances be not contradictory or repugnant to the laws or statutes of that part of the United Kingdom of Great Britain and Ireland called England, or repugnant and contrary to the laws and statutes of this Province.

2. Repealed by 2 G. 4, c. 20.

3. The said Corporation shall have full power and authority to take, receive, hold, possess, and enjoy, in fee simple, any lands, tenements, real estates, and rents, to any amount not exceeding three thousand pounds; provided nevertheless, that nothing herein contained shall prevent or restrain the said Corporation from taking or holding real estate to any amount whatsoever by mortgage, taken as collateral security for the payment of any sum or sums of money advanced by, or debts due to the said Corporation; provided further, that the said Corporation shall on no account lend money upon mortgage, or upon lands or other fixed property, nor such be purchased by the said Corporation upon any pretext whatsoever, unless by way of additional security for debts contracted with the said Corporation in the course of its dealings.

4. Whenever three hundred shares shall have been subscribed of the said capital stock, a general meeting of the members and stockholders of the said Corporation, or the major part of them, shall take place by notice in one or more of the

public Newspapers thirty days previous to such meeting, for the purpose of making ordinary and establishing such bye laws, ordinances, and regulations for the good management of the affairs of the said Corporation, as the members and stockholders of the said Corporation shall deem necessary, and also for the purpose of choosing thirteen Directors, being stockholders and members of the said Corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which Directors so chosen shall serve until the first annual meeting for choice of Directors, and shall have full power and authority to manage the concerns of the said Corporation, and shall commence the operations of the said Bank, subject nevertheless to the rules and regulations hereinafter made and provided; at which general meeting, the members and stockholders of the said Corporation, or the major part of them, shall determine the amount of payments to be made on each share, also the mode of transferring and disposing of the stock and profits thereof, which being entered on the books of the said Corporation, shall be binding upon the said stockholders, their successors, and assigns.

5. There shall be a general meeting of the stockholders and members of the said Corporation, to be annually holden on the first Monday in May in each and every year, at the City of Saint John; at which annual meeting there shall be chosen by a majority of the said stockholders and members of the said Corporation, thirteen Directors, who shall continue in office for one year, or until others are chosen in their room; in the choice of which Directors, the stockholders and members of the said Corporation shall vote according to the rule hereinafter mentioned; and the Directors when chosen, shall at their first meeting after their election, choose out of their number a President; provided always, that seven of the Directors in office shall be re-elected at such annual meeting for the next succeeding twelve months, of which the President shall always be one.

6. The Directors for the time being shall have power to appoint such officers, clerks, and servants, as they or the major part of them shall think necessary for executing the business of the said Corporation, and shall allow them such compensation for their respective services, as to them shall

appear reasonable and proper ; all which, together with the expenses of buildings, house-rent, and all other contingencies, shall be defrayed out of the funds of the said Corporation ; and the said Directors shall likewise exercise such other powers and authorities for the well regulating the affairs of the said Corporation, as shall be prescribed by the bye laws and regulations of the same.

7. Not less than seven Directors shall constitute a Board for the transaction of business, of which the President shall always be one, excepting in case of sickness or necessary absence, in which case the Directors present may choose one of the Board as Chairman in his stead ; the President shall vote at the Board as a Director, and in case of there being an equal number of votes for and against any question before them, the President shall have a casting vote.

8. No Director shall be entitled to any salary or emolument for his services ; but the stockholders and members of the said Corporation may make such compensation to the President as to them shall appear reasonable and proper.

9. No person shall be eligible as Director, unless such person is a stockholder, and holding not less than ten shares of the capital stock of the said Corporation.

10. Every Cashier and Clerk of the said Corporation, before he enters upon the duties of his office, shall give bonds, with two or more sureties, to be approved of by the Directors, that is to say, every Cashier in a sum not less than ten thousand pounds, with a condition for his good and faithful behaviour, and every Clerk, with the like condition and sureties, in such sum as the Directors shall deem adequate to the trust reposed in him.

11. The number of votes which each stockholder shall be entitled to on every occasion when in conformity to the provisions of this Act the votes of the stockholders are to be given, shall be in the following proportion, that is to say :— For one share and not more than two, one vote ; for every two shares above two, and not exceeding ten, one vote, making five votes to ten shares ; for every four shares above ten, and not exceeding thirty, one vote, making ten votes for thirty shares ; which said number of ten votes shall be the greatest that any stockholder shall be entitled to have.

12. All stockholders resident within this Province or elsewhere may vote by proxy, provided that such proxy be a stockholder, and do produce sufficient authority from his constituent or constituents so to act.

13. [*Obsolete.*]

14. The Directors be and they are hereby authorized to fill up any vacancy that shall be occasioned in the board by the death, resignation, or absence from the Province for three months of any of its members ; but in the case of the removal of a Director by the stockholders for misconduct or maladministration, his place shall be filled up by the said stockholders, and the person so chosen by the Directors or the stockholders shall serve until the next succeeding annual meeting of the stockholders.

15 & 16. [*Obsolete.*]

17. The shares or capital stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf, but no assignment or transfer shall be valid or effectual, unless such assignment or transfer shall be entered and registered in a book to be kept by the Directors for that purpose, nor until such person or persons so making the same, shall previously discharge all debts actually due and payable to the said Corporation ; in no case shall any fractional part of a share, or other than a complete share or shares, be assignable or transferable ; whensoever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Bank to any other person or persons whatever, such stockholder shall cease to be a member of the said Corporation.

18. The said Company shall not directly or indirectly deal in any thing excepting in bills of exchange, gold or silver, bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or in the sale of stock pledged for money lent and not so redeemed ; which said goods and stock so pledged, shall be sold by the said Corporation at public sale, at any time not less than thirty days after the period for redemption ; and if upon such sale of goods or stock there shall be a surplus, after deducting the money lent together with the expenses of sale, such surplus shall be paid to the proprietors thereof respectively.

19. The joint stock or property of the said Corporation shall alone be responsible for the debts and engagements of the said Corporation; and no person or persons who shall or may have dealings with the said Corporation shall, on any pretence whatsoever, have recourse against the separate property of any present or future member of the said Corporation, or against their persons, further than may be necessary to secure the faithful application of the funds of the said Corporation.

20. Every bond, bank bill, or bank note, or other instrument, by the terms or effect of which the said Corporation may be charged or held liable for the payment of money, shall specially declare in such form as the Board of Directors shall prescribe, that payment shall be made out of the joint fund of the said Corporation.

21. The total amount of the debts which the said Corporation shall at any time owe, whether by bond, bill, or note, or other contract whatsoever, shall not exceed twice the amount of the capital stock actually paid in by the stockholders; and in case of any excess, the Directors under whose administration and management the same shall happen, shall be liable for such excess in their natural and private capacities; provided always, that the lands, tenements, goods, and chattels of the said Corporation shall also be liable for such excess.

22. The Directors shall make half-yearly dividends of all the profits, rents, premiums, and interest of the said Corporation, payable at such time and place as the Directors shall appoint, of which they shall give thirty days previous notice in two of the Newspapers published in this Province.

23. The books, papers, correspondence, and funds of the said Corporation shall at all times be subject to the inspection of the Directors, but no stockholder not a Director shall inspect the account of any individual with the said Corporation.

24. All the bills or notes issued by the said Corporation shall be signed by the President for the time being, and countersigned and attested by the Cashier, and shall be printed and made in stereotype plates, and all bills or notes so signed and countersigned, shall be binding on the said Corporation.

25. The said Corporation shall be liable to pay to any bona fide holder, the original amount of any note of the said Bank

which shall have been counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration.

26. The said Bank shall be kept and established at the City of Saint John, or at such other place as the Board of Directors may think it necessary to remove the said Bank on account of any great emergency, for the security thereof.

27. The Directors shall at the general meeting to be held on the first Monday in May in every year, lay before the stockholders for their information, an exact and particular statement of the amount of debts due to and by the said Corporation, the amount of bank notes then in circulation, the amount of gold and silver on hand, and the amount of such debts as are, in their opinion, bad or doubtful, also the surplus or profit, if any remaining after deduction of losses and provisions for dividends; which statements shall be signed by the Directors, and attested by the Cashier, and a duplicate statement so signed and attested, shall be transmitted to the Secretary of the Province, for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, and the Honorable His Majesty's Council; provided always, that the rendering of such statement shall not extend to give any right to the stockholders, not being Directors, to inspect the account of any individual or individuals with the said Corporation.

28. Any joint Committee hereafter to be appointed by the Honorable the Legislative Council and the House of Assembly, for the purpose of examining into the proceedings of the said Corporation, shall either during the Session or prorogation of the General Assembly, have free access to all the books and vaults of the same.

29. Any number of stockholders not less than sixty, who together shall be proprietors of three hundred shares, shall have power at any time, by themselves or their proxies, to call a general meeting of the stockholders, for purposes relating to the business of the said Corporation, giving at least thirty days previous notice in two of the Newspapers published in the Province, and specifying in such notice the time and place of such meeting, with the objects thereof; and the Directors, or any seven of them, shall have the like power at any time

(upon observing the like formalities) to call a general meeting as aforesaid.

30. On any dissolution of the said copartnership, immediate and effectual measures shall be taken by the Directors then in office for closing all the concerns of the said Corporation, and for dividing the capital and profits which may remain among the stockholders, in proportion to their respective interests.

31. This Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and forty.

2nd GEORGE 4th—CHAPTER 20.

An Act to alter and amend an Act, intituled *An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Bank of New Brunswick*.

Section.

1. Repeal of Section of what Act.
2. Capital stock.
3. Shares, how paid.

Section.

4. What Act to remain in force; exception.
5. Limitation.

Passed 20th March 1821.

WHEREAS in and by the second Section of an Act made and passed in the sixtieth year of the Reign of His late Majesty King George the Third, intituled *An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Bank of New Brunswick*, it was enacted—"that the capital or stock of the said Corporation shall consist of current gold and silver coins of this Province, to the amount of fifty thousand pounds; the sum of twenty five thousand pounds, one half part thereof, to be paid in current gold and silver coins of the Province, on or before the first day of September then next, and the further sum of twenty five thousand pounds, the residue thereof, on or before the first day of September in the year of our Lord one thousand eight hundred and twenty one; the whole amount of the said stock to be divided into shares of fifty pounds each, making in the whole one thousand shares:" And whereas a part only of the shares of the said capital or stock have as yet been subscribed, and it is expedient to reduce and lessen the said capital or stock;—

Be it therefore enacted, &c.—1. That the said recited Section

of the said Act, (excepting so far as relates to the division of the stock into shares of fifty pounds each,) shall be and the same is hereby repealed.

2. And in place and stead thereof, the capital or stock of the said Corporation shall consist of current gold and silver coins to the amount of thirty thousand pounds; the same to be divided into six hundred shares of fifty pounds each.

3. And whereas one half part of the shares already subscribed hath been paid in according to the directions of the said recited Act;—One half of all shares which may hereafter be subscribed, shall be paid immediately on such subscription, and the remaining half of all the shares of the said capital or stock shall be paid in such instalments, and at such days and times as the Directors of the said Bank may find occasion to require the same, first giving fifty days notice of the payment of any such instalment, in manner required in and by the fifteenth Section of the said recited Act.

4. Provided always, that nothing in this present Act contained shall extend, or be construed, adjudged, or taken to extend to repeal, annul, abridge, or alter any of the other Sections of the aforesaid Act, but that the said Act, and all the clauses therein contained, excepting so far as expressly repealed or altered by this Act, be and are hereby declared to be in full force, to all intents, constructions, and purposes whatsoever.

5. This Act shall be and remain in force and effect for and during the continuance of the said herein before recited Act, and no longer.

6th GEORGE 4th—CHAPTER 3.

An Act to increase the Capital Stock of the Bank of New Brunswick.

Section.

1. Stock, to what increased.
- 2, 3, 4. Obsolete.

Section.

5. Additional shares, to what subject.
6. Limitation.

Passed 17th March 1825.

WHEREAS from the increase of the trade of the Province, it is found expedient to increase the capital stock of the Bank of New Brunswick;—

Be it enacted, &c.—1. The capital or stock of the said Bank shall be increased by the sum of twenty thousand pounds,

making the said capital or stock, in the whole, fifty thousand pounds, which additional capital or stock shall be divided into four hundred shares of fifty pounds each.

2, 3 & 4. [*These Sections are obsolete; they applied only to the manner of disposing of the additional stock.*]

5. The said additional shares in the said capital or stock hereby created, and the holders thereof, shall at all times be subject and liable to all and singular the rules and regulations, clauses and provisions of an Act made and passed in the sixtieth year of the Reign of His late Majesty King George the Third, intituled *An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Bank of New Brunswick.*

6. This Act shall be and remain in force and effect for and during the continuance of the said herein before recited Act, and no longer.

6th GEORGE 4th—CHAPTER 12.

An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Charlotte County Bank.

Section.

1. Incorporation of Company.
2. Capital.
3. Lands, &c., to what amount may hold.
4. General meeting, when called.
5. Stockholders, annual meeting of, &c.
6. Officers, by whom appointed, &c.
7. Directors, Board of, &c.
8. Not to have salary; exception.
9. Qualification of.
10. Cashier, &c., to give bonds with sureties.
11. Stockholder, number of votes.
12. How may vote.
13. Shares, how may be holden, within what time.
14. Vacancies, how filled.
15. Payments by stockholders when notified.
16. What notice given, and when.

Section.

17. Shares assignable.
18. Company not to deal in what, &c.
19. Repealed.
20. Bills, &c., terms of.
21. Debts, what not to exceed.
22. Dividends.
23. Inspection of books.
24. Bills, &c., by whom signed.
25. Altered note, &c. to what extent to pay.
26. Bank where to be kept.
27. State of funds, when to lay before stockholders, &c.
28. Access to books, &c., by whom.
29. General meeting, who may call.
30. On dissolution, how affairs closed.
31. Limitation.

Passed 17th March 1825.

WHEREAS it is thought that the establishment of a Bank at Saint Andrews, in the County of Charlotte, would promote the interests of that County, by increasing the means of circulation;—

Be it enacted, &c.—1. The Honorable William Black, Christopher Scott, John Dunn, Colin Campbell, Thomas Wyer, Harris Hatch, Elisha Andrews, Samuel Frye, Colin Campbell,

Junior, John Campbell, Hugh M^cKay, John M^cAllister, Abner Hill, Aaron Upton, John Wilson, Beverly Robinson, Charles Joseph Briscoe, William Kerr, Joseph Nehemiah Clarke, Hugh Johnston, Junior, George Robinson, John M^cMaster, Moses Vernon, James Douglas, James Campbell, Junior, James M^cMaster, Joseph Walton, James Parkinson, William Garnett, and James Allenshaw, their associates, successors, or assigns, be and they are hereby declared to be a body corporate, by the name of "The President, Directors, and Company of the Charlotte County Bank," and they shall be persons able and capable in law to have, get, receive, take, possess, and enjoy houses, lands, tenements, hereditaments, and rents, in fee simple or otherwise, and also goods and chattels, and all other things real, personal, or mixt, and also to give, grant, let, or assign the same or any part thereof, and to do and execute all other things in and about the same as they shall think necessary for the benefit and advantage of the said Corporation; and also that they be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any Court or Courts of law and equity, or any other places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes, and matters whatsoever, in as full and ample a manner as any other person or persons are in law capable of suing and being sued, pleading and of being impleaded, answering and of being answered unto; and also that they shall have one common seal to serve for the ensembling of all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreement, assignments, powers and warrants of attorney, and all and singular their affairs and things touching and concerning the said Corporation; and also that they, the said President, Directors, and Company, or the major part of them, shall from time to time and at all times, have full power, authority, and licence to constitute, ordain, make, and establish such laws and ordinances as may be thought necessary for the good rule and government of the said Corporation; provided that such laws and ordinances be not contradictory or repugnant to the laws or statutes of that part of the United Kingdom of Great Britain and Ireland called England, or repugnant or contrary to the laws and statutes of this Province.

2. The capital or stock of the said Corporation shall consist of current gold and silver coins of the Province, to the amount of fifteen thousand pounds ; the sum of seven thousand five hundred pounds, one half part thereof, to be paid in current gold and silver coins of the Province, on or before the first day of October next, and the further sum of seven thousand five hundred pounds on or before the first day of October which will be in the year one thousand eight hundred and twenty six ; the whole amount of said stock to be divided into shares of fifty pounds each, making in the whole three hundred shares.

3. The said Corporation shall have full power and authority to take, receive, hold, possess, and enjoy, in fee simple, any lands, tenements, real estates, and rents, to any amount not exceeding fifteen hundred pounds ; provided nevertheless, that nothing herein contained shall prevent or restrain the said Corporation from taking or holding real estate to any amount whatsoever by mortgage, taken as collateral security for the payment of any sum or sums of money advanced by or debts due to the said Corporation ; provided further, that the said Corporation shall on no account lend money upon mortgage, or upon lands or other fixed property, nor such be purchased by the said Corporation upon any pretext whatsoever, unless by way of additional security for debts contracted with the said Corporation in the course of its dealings.

4. Whenever one hundred shares shall have been subscribed of the said capital stock, a general meeting of the members and stockholders of the said Corporation, or the major part of them, shall take place by notice in one or more of the public Newspapers thirty days previous to such meeting, for the purpose of making, ordaining, and establishing such bye laws, ordinances, and regulations for the good management of the affairs of the said Corporation, as the members and stockholders of the said Corporation shall deem necessary, and also for the purpose of choosing [the word here omitted is repealed by 7 V. c. 14, s. 8,] Directors, being stockholders and members of the said Corporation, under and in pursuance of the rules and regulations hereinafter made and provided ; which Directors so chosen shall serve until the first annual meeting for choice of Directors, and shall have full power and authority to manage the concerns of the said Corporation, and shall

commence the operations of the said Bank, subject nevertheless to the rules and regulations hereinafter made and provided; at which general meeting, the members and stockholders of the said Corporation, or the major part of them, shall determine the amount of payments to be made on each share, also the mode of transferring and disposing of the stock and profits thereof, which being entered on the books of the said Corporation, shall be binding on the said stockholders, their successors, and assigns.

5. There shall be a general meeting of the stockholders and members of the said Corporation, to be annually holden on the first Monday in May in each and every year, at Saint Andrews; at which annual meeting there shall be chosen by a majority of the said stockholders and members of the said Corporation, [the word here omitted is repealed by 7 V. c. 14, s. 8,] Directors, who shall continue in office for one year or until others are chosen in their room; in the choice of which Directors, the stockholders and members of the said Corporation shall vote according to the rule hereinafter mentioned; and the Directors when chosen, shall at their first meeting after their election, choose out of their number a President; provided always, that [the word here omitted is repealed by 7 V. c. 14, s. 8,] of the Directors in office shall be re-elected at such annual meeting for the next succeeding twelve months, of which the President shall always be one.

6. The Directors for the time being shall have power to appoint such officers, clerks, and servants, as they or the major part of them shall think necessary for executing the business of the said Corporation, and shall allow them such compensation for their respective services as to them shall appear reasonable and proper; all which, together with the expenses of buildings, house-rent, and all other contingencies, shall be defrayed out of the funds of the Corporation; and the said Directors shall likewise exercise such other powers and authorities for the well regulating the affairs of the said Corporation, as shall be prescribed by the bye laws and regulations of the same.

7. Not less than [the word here omitted is repealed by 7 V. c. 14, s. 8,] Directors shall constitute a Board for the transaction of business, of which the President shall always be one,

excepting in the case of sickness or necessary absence, in which case the Directors present may choose one of their board as Chairman in his stead; the President shall vote at the board as a Director, and in case of there being an equal number of votes for and against any question before them, the President shall have a casting vote.

8. No Director shall be entitled to any salary or emolument for his services; but the stockholders and members of the said Corporation may make such compensation to the President as to them shall appear reasonable and proper.

9. No person shall be eligible as Director unless such person is a stockholder, and holding not less than five shares of the capital stock of the said Corporation.

10. Every Cashier and Clerk of the said Corporation, before he enters upon the duties of his office, shall give bonds, with two or more sureties, to be approved of by the Directors, that is to say, every Cashier in a sum not less than five thousand pounds, with a condition for his good and faithful behaviour, and every Clerk with the like condition, and sureties in such sum as the Directors shall deem adequate to the trust reposed in him.

11. The number of votes which each stockholder shall be entitled to on every occasion, when in conformity to the provisions of this Act the votes of the stockholders are to be given, shall be in the following proportion, that is to say:—For one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; which said number of ten votes shall be the greatest that any stockholder shall be entitled to have.

12. All stockholders resident within this Province or elsewhere may vote by proxy, provided that such proxy be a stockholder, and do produce sufficient authority from his constituent or constituents so to act.

13. No member of the said Corporation during the first six months, to be accounted from and after the passing of this Act, shall be entitled to hold or subscribe for more than ten shares of the said capital stock; if the whole of the said capital stock shall not have been subscribed within the said six months,

so to be accounted as aforesaid, then and in such case it shall be lawful for any stockholder or stockholders to increase his, her, or their subscriptions to fifteen shares; provided always, that no stockholder shall be permitted to hold more than twenty five shares in the whole, unless the same be acquired by purchase after the said Bank shall have commenced its operations.

14. The Directors be and they are hereby authorized to fill up any vacancy that shall be occasioned in the board by the death, resignation, or absence from the Province for three months of any of its members; but in the case of the removal of a Director by the stockholders for misconduct or mal-administration, his place shall be filled up by the said stockholders; and the person so chosen by the Directors or the stockholders, shall serve until the next succeeding annual meeting of the stockholders.

15. Before any stockholder shall be required to make payment of any instalment upon the amount of his subscription, fifty days previous notice shall be given by the Directors in two of the Newspapers published in this Province, of the time and place of such payment, and the Directors shall commence with the business and operations of the Bank of the said Corporation; provided always, that no bank bills or bank notes shall be issued or put in circulation, nor any bill or note be discounted at the said Bank, until the said sum of seven thousand five hundred pounds shall be actually paid in and received on account of the subscriptions to the capital stock of the said Bank.

16. As soon as the sum of seven thousand five hundred pounds shall have been actually paid in on account of the subscriptions to the said stock, notice thereof shall be given in two of the Newspapers published in the Province.

17. The shares or capital stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf, but no assignment or transfer shall be valid or effectual unless such assignment or transfer shall be entered and registered in a book to be kept by the Directors for that purpose, nor until such person or persons so making the same, shall previously discharge all debts actually due and payable to the said Corporation; in no case shall any

fractional part of a share, or other than a complete share or shares be assignable or transferable; whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Bank to any other person or persons whatever, such stockholder shall cease to be a member of the said Corporation.

18. The said Company shall not directly or indirectly deal in any thing excepting bills of exchange, gold or silver, bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or in the sale of stock pledged for money lent and not so redeemed, which said goods and stock so pledged shall be sold by the said Corporation at public sale, at any time not less than thirty days after the period for redemption, and if upon such sale of goods or stock there shall be a surplus, after deducting the money lent together with the expenses of sale, such surplus shall be paid to the proprietors thereof respectively.

19. Repealed by 7 V. c. 14, s. 1.

20. Every bond, bank bill, or bank note, or other instrument, by the terms or effect of which the said Corporation may be charged or held liable for the payment of money, shall specially declare in such form as the Board of Directors shall prescribe, that payment shall be made out of the joint funds of the said Corporation.

21. The total amount of the debts which the said Corporation shall at any time owe, whether by bond, bill, or note, or other contract whatsoever, shall not exceed twice the amount of the capital stock actually paid in by the stockholders; and in case of any excess, the Directors under whose administration and management the same shall happen, shall be liable for such excess in their natural and private capacities; provided always, that the lands, tenements, goods, and chattels of the said Corporation shall also be liable for such excess.

22. The Directors shall make half yearly dividends of all profits, rents, premiums, and interest of the said Corporation, payable at such time and place as the Directors shall appoint, of which they shall give thirty days previous notice in two of the Newspapers published in this Province.

23. The books, papers, correspondence, and funds of the said Corporation shall at all times be subject to the inspection

of the Directors, but no stockholder not a Director shall inspect the account of any individual with the said Corporation.

24. All the bills or notes issued by the said Corporation shall be signed by the President for the time being, and countersigned and attested by the Cashier, and shall be printed and made in stereotype plates, and all bills or notes so signed and countersigned, shall be binding on the said Corporation.

25. The said Corporation shall be liable to pay to any bona fide holder, the original amount of any note of the said Bank which shall have been counterfeited or altered in course of its circulation to a larger amount, notwithstanding such alteration.

26. The said Bank shall be kept and established at Saint Andrews, or at such other place as the Board of Directors may think it necessary to remove the said Bank on account of any great emergency, for the security thereof.

27. The Directors shall at the general meeting to be held on the first Monday in May in every year, lay before the stockholders for their information, an exact and particular statement of the amount of debts due to and by the said Corporation, the amount of bank notes then in circulation, the amount of gold and silver on hand, and the amount of such debts as are, in their opinion, bad or doubtful, also the surplus or profit, if any remaining after deduction of losses and provisions for dividends; which statement shall be signed by the Directors, and attested by the Cashier, and a duplicate statement so signed and attested, shall be transmitted to the Secretary of the Province, for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, and the Honorable His Majesty's Council; provided always, that the rendering of such statement shall not extend to give any right to the stockholders, not being Directors, to inspect the account of any individual or individuals with the said Corporation.

28. Any joint Committee hereafter to be appointed by the Honorable the Legislative Council and the House of Assembly, for the purpose of examining into the proceedings of the said Corporation, shall either during the Session or prorogation of the General Assembly, have free access to all the books and vaults of the same.

29. Any number of stockholders not less than twelve, who together shall be proprietors of one hundred shares, shall have

power at any time, by themselves or their proxies, to call a general meeting of the stockholders, for purposes relating to the business of the said Corporation, giving at least thirty days previous notice in two of the Newspapers published in the Province, and specifying in such notice the time and place of such meeting, with the objects thereof; and the Directors, or any five of them, shall have the like power at any time (upon observing the like formalities) to call a general meeting as aforesaid.

30. On any dissolution of the said Corporation, immediate and effectual measures shall be taken by the Directors then in office for closing all the concerns of the said Corporation, and for dividing the capital and profits which may remain among the stockholders, in proportion to their respective interests.

31. This Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and forty five.

4th WILLIAM 4th—CHAPTER 44.

An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Central Bank of New Brunswick.

Section.

1. Incorporation of Company.
2. Capital Stock.
3. What lands may possess.
4. Obsolete.
5. Annual meeting for choosing Directors, &c.
6. Officers, by whom appointed.
7. Board, how constituted, &c.
8. Director not to have salary; exception.
9. Qualification of.
10. Cashier, &c., to give bonds, &c.
11. Scale of votes, &c.
12. Stockholders, how to vote.
13. Number of shares to be held by whom.
14. Directors, vacancies how filled.
15. Notice on payments required, &c.
16. Notice to Provincial Secretary, when given
17. Shares assignable.
18. Corporation, in what to deal.

Section.

19. Stockholders, for what liable.
20. Bills, &c., terms of.
21. Debts of Corporation, what not to exceed.
22. Dividends.
23. Inspection of books, &c.
24. Bills, &c., how signed.
25. Altered note, &c., to what extent to pay.
26. Bank, where kept.
27. Statement of affairs, before whom laid.
28. Loan, when not allowed.
29. Access to books, &c., by whom.
30. General meeting, who may call.
31. On dissolution, how business closed.
32. Debts, aggregate of, due from Directors.
33. Returns, how made.
34. Delinquents, list of, by whom furnished.
35. When Director disqualified as a delinquent.
36. Act deemed public.
37. Limitation.

Passed 22nd March 1834.

WHEREAS it is thought that the establishment of a Bank at Fredericton would promote the interests of the Province, by increasing the means of circulation;—

Be it enacted, &c.—1. Jedediah Slason, John Robinson,

Hugh Josiah Hansard, T. V. W. Clowes, Richard Ketchum, John A. Beckwith, Thomas Pickard, James Taylor, Amasa Coy, George Hayward, Thomas O. Miles, Charles S. Putnam, Thomas T. Smith, Thomas C. Everitt, Peter Fisher, Thomas Wyer, Thomas Barker, George J. Dibblee, Henry George Clopper, Richard English, Charles Perley, Jeremiah M. Connell, Charles Fisher, John T. Smith, James Taylor, Junior, and L. A. Wilmot, their associates, successors, or assigns, be and they are hereby declared to be a body corporate, by the name of "The President, Directors, and Company of the Central Bank of New Brunswick," and they shall be persons able and capable in law to have, get, receive, take, possess, and enjoy houses, lands, tenements, hereditaments, and rents, in fee simple or otherwise, and also goods and chattels, and all other things real, personal, or mixt, and also to give, grant, let, or assign the same or any part thereof, and to do and execute all other things in and about the same as they shall think necessary for the benefit and advantage of the said Corporation; and also that they be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any Court or Courts of law and equity, or any other places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes, and matters whatsoever, in as full and ample a manner as any other person or persons are in law capable of suing and being sued, pleading and of being impleaded, answering and of being answered unto; and also that they shall have one common seal to serve for the ensembling of all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreement, assignments, powers and warrants of attorney, and all and singular their affairs and things touching and concerning the said Corporation; and also that they, the said President, Directors, and Company, or the major part of them, shall from time to time and at all times have full power, authority, and licence to constitute, ordain, make, and establish such laws and ordinances as may be thought necessary for the good rule and government of the said Corporation; provided that such laws and ordinances be not contradictory or repugnant to the laws or statutes of that part of the United Kingdom of Great Britain and Ireland called England, or repugnant or contrary to the laws and statutes of this Province.

2. The capital stock of the said Corporation shall consist of current gold and silver coins of the Province, to the amount of fifteen thousand pounds ; the sum of seven thousand five hundred pounds, one half part thereof, to be paid in current gold and silver coins of the Province within one year from the passing of this Act, and the further sum of seven thousand five hundred pounds within two years from the passing of this Act ; the whole amount of said stock to be divided into shares of twenty five pounds each, making in the whole six hundred shares.

3. The said Corporation shall have full power and authority to take, receive, hold, possess, and enjoy, in fee simple, any lands, tenements, real estates, and rents, to any amount not exceeding fifteen hundred pounds ; provided nevertheless, that nothing herein contained shall prevent or restrain the said Corporation from taking or holding real estate to any amount whatsoever by mortgage taken as collateral security for the payment of any sum or sums of money advanced by or debts due to the said Corporation ; provided further, that the said Corporation shall on no account lend money upon mortgage, or upon lands, or other fixed property, nor such be purchased by the said Corporation upon any pretext whatsoever, unless by way of additional security for debts contracted with the said Corporation in the course of its dealings.

4. [*Obsolete.*]

5. There shall be a general meeting of the stockholders and members of the said Corporation, to be annually holden on the first Monday in March in each and every year, at Fredericton ; at which annual meeting, there shall be chosen by a majority of the said stockholders and members of the said Corporation, nine Directors, who shall be resident in the County of York, and continue in office for one year, or until others are chosen in their room ; in the choice of which Directors, the stockholders and members of the said Corporation shall vote according to the rulê hereinafter mentioned ; and the Directors when chosen shall at their first meeting after their election choose out of their number a President ; provided always, that not more than eight nor less than five of the Directors in office shall be re-elected at such annual meeting for the next succeeding twelve months, of which the President shall always be one.

6. The Directors for the time being shall have power to appoint such officers, clerks, and servants, as they or the major part of them shall think necessary for executing the business of the said Corporation, and shall allow them such compensation for their respective services as to them shall appear reasonable and proper; all which, together with the expenses of buildings, house-rent, and all other contingencies, shall be defrayed out of the funds of the Corporation; and the said Directors shall likewise exercise such other powers and authorities for the well regulating the affairs of the said Corporation, as shall be prescribed by the bye laws and regulations of the same.

7. Not less than five Directors shall constitute a Board for the transaction of business, of which the President shall always be one, except in the case of sickness or necessary absence, in which case the Directors present may choose one of their board as Chairman in his stead; the President shall vote at the board as a Director, and in case of there being an equal number of votes for and against any question before them, the President shall have a casting vote; provided always, that no note or bill offered for discount at the said Bank shall be refused or excluded by a single vote.

8. No Director shall be entitled to any salary or emolument for his services, but the stockholders and members of the said Corporation may make such compensation to the President as to them shall appear reasonable and proper.

9. No person shall be eligible as Director unless such person is a stockholder, and holding not less than eight shares of the capital stock of the said Corporation; provided always, that the stockholder so otherwise qualified, be not a Director in any other Banking Company in this Province.

10. Every Cashier and Clerk of the said Corporation, before he enters upon the duties of his office, shall give bonds, with two or more sureties, to be approved of by the Directors, that is to say, every Cashier in a sum not less than five thousand pounds, with a condition for his good and faithful behaviour, and every Clerk with the like condition, and sureties in such sum as the Directors shall deem adequate to the trust reposed in them.

11. The number of votes which each stockholder shall be

entitled to on every occasion, when in conformity to the provision of this Act the votes of the stockholders are to be given, shall be in the following proportion, that is to say:—For one share and not more than four, one vote; for every four shares above four and not exceeding twenty, one vote, making five votes for twenty shares; for every eight shares above twenty and not exceeding sixty, one vote, making ten votes for sixty shares; which said number of ten votes shall be the greatest that any stockholder shall be entitled to have.

12. All stockholders resident within this Province or elsewhere may vote by proxy, provided that such proxy be a stockholder, and do produce sufficient authority in writing from his constituent or constituents so to act; provided that no stockholder be entitled to hold more than three proxies.

13. No member of the said Corporation during the first six months, to be accounted from and after the passing of this Act, shall be entitled to hold and subscribe for more than twenty shares of the said capital stock; and if the whole of the said capital stock shall not have been subscribed within the said six months, so to be accounted as aforesaid, then and in such case it shall be lawful for any stockholder or stockholders to increase his, her, or their subscriptions to thirty shares; provided always, that no stockholder shall be permitted to hold more than fifty shares in the whole, unless the same be acquired by purchase after the said Bank shall have commenced its operations; and provided also, that no stockholder in the said Bank at any one time shall hold more than twenty per cent. of the capital stock.

14. The Directors be and they are hereby authorized to fill up any vacancy that shall be occasioned in the board by the death, resignation, or absence from the Province for three months of any of its members; but in case of the removal of a Director by the stockholders for misconduct or mal-administration, his place shall be filled up by the said stockholders; and the person so chosen by the Directors or the stockholders, shall serve until the next succeeding annual meeting of the stockholders.

15. Before any stockholder shall be required to make payment of any instalment upon the amount of his subscription, fifty days previous notice shall be given by the Directors in two

of the Newspapers published in this Province, of the time and place of such payment, and the Directors shall commence with the business and operations of the Bank of the said Corporation; provided always, that no bank bill or bank notes shall be issued or put in circulation, nor any bill or note be discounted at the said Bank until the said sum of seven thousand five hundred pounds shall be actually paid in and received on account of the subscriptions to the capital stock of the said Bank.

16. As soon as the sum of seven thousand five hundred pounds shall have been paid in current gold and silver coins, and shall then be in the vaults of the said Bank, the President shall give notice thereof to the Secretary of the Province, for the information of His Excellency the Lieutenant Governor or the Commander in Chief for the time being, who is hereby authorized, by and with the advice of His Majesty's Council, to appoint three Commissioners, not being stockholders, whose duty it shall be to examine and count the money actually in the vaults, and to ascertain, by the oaths of the majority of Directors, that half the amount of its capital hath been paid in by the stockholders towards payment of their respective shares, and not for any other purpose, and that it is intended to have it there remain as part of the capital stock of the said Bank; which investigation is hereby declared indispensable, and shall be made at the periods prescribed by the second Section of this Act, when paying in the capital stock of the said Bank.

17. The shares or capital stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf; but no assignment or transfer shall be valid or effectual, unless such assignment or transfer shall be entered and registered in a book to be kept by the Directors for that purpose, nor until such person or persons so making the same, shall previously discharge all debts actually due and payable to the said Corporation; and in no case shall any fractional part of a share, or other than a complete share or shares, be assignable or transferable; whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Bank to any other person or persons whatever, such stockholder shall cease to be a member of the said Corporation.

18. The said Company shall not directly nor indirectly deal in any thing excepting bills of exchange, gold or silver, bullion, or in the sale of goods really and truly pledged for money lent but not redeemed in due time, or in the sale of stock pledged for money lent and not so redeemed ; which said goods and stock so pledged shall be sold by the said Corporation at public sale, at any time not less than thirty days after the period for redemption ; and if upon such sale of goods or stock there shall be a surplus, after deducting the money lent together with the expenses of sale, such surplus shall be paid to the proprietors thereof respectively.

19. The holders of the stock of the said Bank shall be chargeable in their private and individual capacity, and shall be holden for the payment and redemption of all bills which may have been issued by the said Corporation, and also for the payment of all debts at any time due from the said Corporation, in proportion to the stock they respectively hold ; provided however, that in no case shall any one stockholder be liable to pay a sum exceeding the amount of stock actually then held by him ; provided nevertheless, that nothing previously contained shall be construed to exempt the joint stock of the said Corporation from being also liable for, and chargeable with, the debts and engagements of the same.

20. Every bond, bank bill, or bank note, or other instrument, by the terms or effect of which the said Corporation may be charged or held liable for the payment of money, shall specially declare, in such form as the Board of Directors shall prescribe, that payment shall be made out of the joint funds of the said Corporation ; provided nevertheless, that nothing herein contained shall be construed to alter, change, or diminish the responsibilities and liabilities imposed on stockholders in their individual capacities by the nineteenth Section of this Act.

21. The total amount of the debts which the said Corporation shall at any time owe, whether by bond, bill, or note, or other contract whatsoever, shall not exceed twice the amount of the capital stock actually paid in by the stockholders ; and in case of any excess, the Directors under whose administration and management the same shall happen, shall be liable for such excess in their individual and private capacities ; provided always, that the lands, tenements, goods, and chattels of the said Corporation shall also be liable for such excess.

22. The Directors shall make half yearly dividends of all the profits, rents, premiums, and interest of the said Corporation, payable at such time and place as the Directors shall appoint, of which they shall give thirty days previous notice in two of the Newspapers published in this Province.

23. The books, papers, correspondence, and funds of the said Corporation shall at all times be subject to the inspection of the Directors; but no stockholder not a Director shall inspect the account of any individual with the said Corporation.

24. All the bills or notes issued by the said Corporation shall be signed by the President for the time being, and countersigned and attested by the Cashier, and shall be printed and made in steel plates; and all bills or notes so signed and countersigned shall be binding on the said Corporation, and payable in specie at said Bank.

25. The said Corporation shall be liable to pay to any bona fide holder, the original amount of any note of the said Bank which shall have been counterfeited or altered in course of its circulation to a larger amount, notwithstanding such alteration.

26. The said Bank shall be kept and established at Fredericton, or at such other place as the Board of Directors may think it necessary to remove the said Bank on account of any great emergency, for the security thereof.

27. The Directors shall at the general meeting to be held on the first Monday in March in every year, lay before the stockholders for their information, an exact and particular statement of the amount of debts due to and by the said Corporation, the amount of bank notes then in circulation, the amount of the gold and silver on hand, and the amount of such debts as are, in their opinion, bad or doubtful, also the surplus or profit (if any) remaining after deduction of losses and provisions for dividends; which statements shall be signed by the Directors and attested by the Cashier; and a duplicate statement so signed and attested, shall be transmitted to the Secretary of the Province, for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, and the Legislature; provided always, that the rendering of such statement shall not extend to give any right to the stockholders, not being Directors, to inspect the account of any individual or individuals with the said Corporation.

28. No loan shall be made by the said Bank on the pledge of its own stock.

29. Any joint Committee hereafter to be appointed by the Honorable the Legislative Council and the House of Assembly, for the purpose of examining into the proceedings of the said Corporation, shall either during the Session or prorogation of the General Assembly, have free access to all the books and vaults of the same.

30. Any number of stockholders not less than twelve, who together shall be proprietors of two hundred shares, shall have power at any time by themselves or their proxies, to call a general meeting of the stockholders for purposes relating to the business of the said Corporation, giving at least thirty days previous notice in two of the Newspapers published in the Province, and specifying in such notice the time and place of such meeting, with the objects thereof; and the Directors or any five of them shall have the like power at any time, upon observing the like formalities, to call a general meeting as aforesaid.

31. On any dissolution of the said Corporation, immediate and effectual measures shall be taken by the Directors then in office for closing all the concerns of the said Corporation, and for dividing the capital and profits which may remain among the stockholders, in proportion to their respective interests; and in case any bills issued by the said Corporation shall remain unpaid, the holders of stock in said Corporation, as well as those who were stockholders at the time of the notice of said dissolution, (which said notice shall take place by a publication of their intention so to do in the Royal Gazette twelve months previous to the said Corporation being allowed to carry the same into effect,) shall be chargeable in their private and individual capacity for the payment and redemption thereof, in proportion to the stock they respectively held or hold, subject however to the proviso mentioned in the nineteenth Section of this Act; provided however, that this liability shall continue for two years only from after the notice of such dissolution.

32. The aggregate of all the debts due from the Directors of the said Bank as principals, endorsers, or sureties, shall not at any one time exceed thirty three and one third per centum of the capital stock.

33. The Cashier of the said Bank shall semi-annually, that is to say, on the first Monday in [the word here omitted is repealed by 6 W. 4, c. 58, s. 10,] and the first Monday in June in each and every year, make a return of the state of the said Bank as it existed at two of the clock in the afternoon of the said days respectively, and shall forthwith transmit the same to the Office of the Secretary of the Province; which return shall specify the amount due from the Bank, designating in distinct columns the several particulars included therein; and shall also specify the resources of the said Bank, designating in distinct columns the several particulars included therein; and the said return shall be made in the following form, viz:—

FORM OF RETURN.

State of Bank on the Monday of 18 , 2 o'clock P.M.

DUE FROM BANK.

Bills in circulation,
 Net profits on hand,
 Balance due to other Banks,
 Cash deposited, including all sums whatever due from the
 Bank not bearing interest, its bills in circulation, profits,
 and balances due to other banks excepted,
 Cash deposited bearing interest,
 Total amount due from the Bank,

RESOURCES OF THE BANK.

Gold, silver, and other coined metals in its banking house,
 Real estate,
 Bills of other Banks incorporated in this Province,
 Balances due from other Banks,
 Amount of all debts due, including notes, bills of exchange,
 and all stock and funded debts of every description,
 excepting the balances due from other Banks,
 Total amount of the resources of the Bank,

 Date and amount of the last dividend, and when declared,
 Amount of reserved profits at the time of declaring the last
 dividend,
 Amount of debts due and not paid, and considered
 doubtful,

Which return shall be signed by the Cashier of said Bank, who shall make oath or affirmation before some Magistrate qualified to administer oaths, to the truth of said return according to the best of his knowledge and belief; and the Cashier of the said Bank shall also make return under oath, whenever required by the Legislature, of the names of the stockholders, and the amount of stock owned by each; and a majority of the Directors of said Bank shall certify and make oath or affirmation before the same Magistrate as the said Cashier, that the books of said Bank indicate the state of facts so returned by their Cashier, and that they have full confidence in the truth of the return so made by him; and it shall be the duty of the Secretary of the Province annually to lay before the Legislature of this Province, as soon after the opening of any Session thereof as practicable, true copies of such returns as aforesaid as he may have received since the then last previous Session.

34. The Cashier or acting Cashier for the time being, shall on each and every discount day furnish a true list to the President or Chairman of the said Bank of all delinquent promisers, endorsers, and sureties, made up to [the word here omitted is repealed by 6 W. 4, c. 58, s. 11,] o'clock on the day preceding the discount day, which list shall be called a delinquent sheet; and it shall be the duty of the President or Chairman on each and every discount day as aforesaid, to read the name or names contained in such delinquent sheet to the Board of Directors; and in case the name of any Director shall appear on such delinquent sheet either as promiser, endorser, or surety, it is hereby declared illegal for such Director to sit at the board or take any part in the management of the affairs of the said Bank during the continuance of such delinquency.

35. In the event of any Director continuing a delinquent as aforesaid for ninety consecutive days at any one time, such continued delinquency shall disqualify such Director from holding his seat, and it shall be the duty of the President and other Directors forthwith to proceed in filling up the vacancy in the manner prescribed in the fourteenth Section of this Act, as in the case of death or absence from the Province.

36. This Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such without being specially pleaded.

37. This Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty four.

6th WILLIAM 4th—CHAPTER 32.

An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Saint Stephens Bank, in the County of Charlotte.

Section.

1. Incorporation of Company.
2. Capital Stock.
3. What amount of lands may possess.
4. When meeting of stockholders may be called.
5. Annual meeting, when held, &c.
6. Officers, &c., how appointed.
7. Board of Directors.
8. No Director to have a salary; exception.
9. Qualification of.
10. Cashier, &c., to give bonds, &c.
11. Votes of stockholders regulated.
12. How to vote.
13. What number of shares may hold.
14. Directors' vacancies, how filled.
15. Notice to stockholders for payments.
16. Notice of Secretary of money paid in, &c.
17. Shares assignable.
18. Corporation in what to deal.
19. Debts, for what stockholders liable.

Section.

20. Bills, &c., terms of.
21. Debts, what not to exceed.
22. Dividends.
23. Books, &c., subject to what inspection.
24. Notes, by whom signed.
25. Altered notes, to what extent paid.
26. Bank where kept.
27. Statement of affairs, before whom laid.
28. Loan when not allowed.
29. Access to books, &c., by whom.
30. General meetings, who may call.
31. On dissolution, how to close affairs.
32. Debts of Directors, aggregate of.
33. Returns, what and how to make.
34. Delinquents, list of.
35. Disqualification of Directors on account of.
36. Notes, how presented before suit.
37. Shares to be personal estate.
38. Liable to seizure on execution.
39. Limitation.

Passed 8th March 1836.

WHEREAS it is thought that the establishment of a Bank at Saint Stephens would promote the interests of the Province, by increasing the means of circulation;—

Be it enacted, &c.—1. Nehemiah Marks, John Marks, Robert Lindsay, Ninian Lindsay, William Porter, John Porter, George M. Porter, Samuel Abbot, Henry Eastman, William P. Libby, Abner Hill, Stephen Hill, George S. Hill, John M'Allister, John M'Allister, Junior, Japhet Hill M'Allister, William Todd, Junior, Robert M. Todd, Dan Pineo, John L. Lovejoy, Stephen H. Hitchings, Robert Hitchings, Joseph N. Clarke, John Milliken, Aaron Upton, Alexander Campbell, Peter Stubs, Junior, George Abbot, William Andrews, Thomas Armstrong, Abner Hill, Junior, James Frink, Schuyler P. Frink, Thomas Wyer, Robert Watson, Alexander Grant, Freeman H. Todd, and Charles Simonds, their associates, successors, or assigns, be and they are hereby declared to be a body corporate, by the name of "The President, Directors, and Company of the Saint Stephens Bank, in the County of Char-

lotte;" and they shall be persons able and capable in law to have, get, receive, take, possess, and enjoy houses, lands, tenements, hereditaments, and rents, in fee simple or otherwise, and also goods and chattels, and all other things real, personal, or mixt, and also to give, grant, let, or assign the same or any part thereof, and to do and execute all other things in and about the same as they shall think necessary for the benefit and advantage of the said Corporation; and also that they be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of law and equity, or any other places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes, and matters whatsoever, in as full and ample a manner as any other person or persons are in law capable of suing and being sued, pleading and of being impleaded, answering and of being answered unto; and also that they shall have one common seal to serve for the ensealing of all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreement, assignments, powers and warrants of attorney, and all and singular their affairs and things, touching and concerning the said Corporation; and also that they, the said President, Directors, and Company, or the major part of them, shall from time to time and at all times have full power, authority, and licence to constitute, ordain, make, and establish such laws and ordinances as may be thought necessary for the good rule and government of the said Corporation; provided that such laws and ordinances be not contradictory or repugnant to the laws or statutes of that part of the United Kingdom of Great Britain and Ireland called England, or repugnant or contrary to the laws and statutes of this Province.

2. The capital stock of the said Corporation shall consist of current gold and silver coins of the Province, to the amount of twenty five thousand pounds; the sum of twelve thousand five hundred pounds, one half part thereof, to be paid in current gold and silver coins of the Province within one year from the passing of this Act, and the further sum of twelve thousand five hundred pounds within two years from the passing of this Act; the whole amount of said stock to be divided into shares of twenty five pounds each, making in the whole one thousand shares.

3. The said Corporation shall have full power and authority to take, receive, hold, possess, and enjoy, in fee simple, any lands, tenements, real estates, and rents, to any amount not exceeding two thousand pounds; provided nevertheless, that nothing herein contained shall prevent or restrain the said Corporation from taking or holding real estate to any amount whatsoever by mortgage, taken as collateral security for the payment of any sum or sums of money advanced by or debts due to the Corporation; provided further, that the said Corporation shall on no account lend money upon mortgage, or upon lands, or other fixed property, nor such be purchased by the said Corporation upon any pretext whatsoever, unless by way of additional security for debts contracted with the said Corporation in the course of its dealings.

4. Whenever three hundred shares shall have been subscribed of the said capital stock, a general meeting of the members and stockholders of the said Corporation, or the major part of them, shall take place by notice in one or more of the public Newspapers thirty days previous to such meeting, for the purpose of making, ordaining, and establishing such bye laws, ordinances, and regulations for the good management of the affairs of the said Corporation, as the members and stockholders of the said Corporation shall deem necessary, and also for the purpose of choosing nine Directors, being stockholders and members of the said Corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which Directors so chosen shall serve until the first annual meeting for choice of Directors, and shall have full power and authority to manage the concerns of the said Corporation, and shall commence the operations of the said Bank, subject nevertheless to the rules and regulations hereinafter made and provided; at which general meeting, the members and stockholders of the said Corporation, or the major part of them, shall determine the amount of payments to be made on each, also the mode of transferring and disposing of the stock and profits thereof, which being entered on the books of the said Corporation, shall be binding on the said stockholders, their successors, and assigns.

5. There shall be a general meeting of the stockholders and members of the said Corporation, to be annually holden on

the first Monday in April in each and every year, at Saint Stephens ; at which annual meeting there shall be chosen by a majority of the said stockholders and members of the said Corporation, nine Directors, who shall be resident in the County of Charlotte, and continue in office for one year, or until others are chosen in their room ; in the choice of which Directors, the stockholders and members of the said Corporation shall vote according to the rule hereinafter mentioned ; and the Directors, when chosen, shall at their first meeting after their election, choose out of their number a President ; provided always, that not more than eight nor less than five of the Directors in office shall be re-elected at such annual meeting for the next succeeding twelve months, of which the President shall always be one.

6. The Directors for the time being shall have power to appoint such officers, clerks, and servants, as they or the major part of them shall think necessary for executing the business of the said Corporation, and shall allow them such compensation for their respective services as to them shall appear reasonable and proper ; all which, together with the expenses of buildings, house-rent, and all other contingencies, shall be defrayed out of the funds of the Corporation ; and the said Directors shall likewise exercise such other powers and authority for the well regulating the affairs of the said Corporation as shall be prescribed by the bye laws and regulations of the same.

7. Not less than five Directors shall constitute a Board for the transaction of business, of which the President shall always be one, except in the case of sickness or necessary absence, in which case the Directors present may choose one of their board as Chairman in his stead ; the President shall vote at the board as a Director, and in case of their being an equal number of votes for and against any question before them, the President shall have a casting vote ; provided always, that no note or bill offered for discount at the said Bank shall be refused or excluded by a single vote.

8. No Director shall be entitled to any salary or emolument for his services, but the stockholders and members of the said Corporation may make such compensation to the President as to them shall appear reasonable and proper.

9. No person shall be eligible as a Director unless such person is a stockholder, and holding not less than ten shares of the capital stock of the said Corporation ; provided always, that the stockholder so otherwise qualified, be not a Director in any other Banking Company in this Province.

10. Every Cashier and Clerk of the said Corporation, before he enters upon the duties of his office, shall give bonds, with two or more sureties, to be approved of by the Directors, that is to say, every Cashier in a sum not less than five thousand pounds, with a condition for his good and faithful behaviour, and every Clerk with the like conditions, and sureties in such sum as the Directors shall deem adequate to the trusts reposed in them.

11. The number of votes which each stockholder shall be entitled to on every occasion when in conformity to the provisions of this Act the votes of the stockholders are to be given, shall be in the following proportion, that is to say :—For one share and not more than four shares, one vote ; for every four shares above four and not exceeding twenty, one vote, making five votes for twenty shares ; for every eight shares above twenty and not exceeding sixty, one vote, making ten votes for sixty shares ; which said number of ten votes shall be the greatest that any stockholder shall be entitled to have.

12. All stockholders resident within this Province or elsewhere may vote by proxy, provided that such proxy be a stockholder, and do produce sufficient authority in writing from his constituent or constituents so to act ; provided that no stockholder be entitled to hold more than three proxies.

13. No member of the said Corporation during the first three months, to be accounted from and after the passing of this Act, shall be entitled to hold and subscribe for more than twenty shares of the said capital stock ; and if the whole of the said capital stock shall not have been subscribed within the said three months, so to be accounted as aforesaid, then and in such cases it shall be lawful for any stockholder or stockholders to increase his, her, or their subscriptions to fifty shares ; provided always, that no stockholder shall be permitted to hold more than eighty shares in the whole, unless the same be acquired by purchase after the said Bank shall have commenced its operations ; and provided also, that no stockholder

in the said Bank at any one time shall hold more than twenty per cent. of the capital stock.

14. The Directors be and they are hereby authorized to fill up any vacancy that shall be occasioned in the board by the death, resignation, or absence from the Province for three months of any of its members, but in the case of the removal of a Director by the stockholders for misconduct or mal-administration, his place shall be filled up by the said stockholders; and the person so chosen by the Directors or the stockholders shall serve until the next succeeding annual meeting of the stockholders.

15. Before any stockholder shall be required to make payment of any instalment upon the amount of his subscription, fifty days previous notice shall be given by the Directors in two of the Newspapers published in this Province, of the time and place of payment, and the Directors shall commence with the business and operations of the Bank of the said Corporation; provided always, that no bank bill or bank notes shall be issued or put in circulation, nor any bill or note be discounted at the said Bank until the said sum of twelve thousand five hundred pounds shall be actually paid in and received on account of the subscriptions to the capital stock of the said Bank.

16. As soon as the sum of twelve thousand five hundred pounds shall have been paid in current gold and silver coins, and shall then be in the vaults of the said Bank, the President shall give notice thereof to the Secretary of the Province, for the information of His Excellency the Lieutenant Governor or the Commander in Chief for the time being, who is hereby authorized, by and with the advice of His Majesty's Executive Council, to appoint three Commissioners, not being stockholders, whose duty it shall be to examine and count the money actually in the vaults, and to ascertain, by the oaths of the majority of Directors, that half the amount of its capital hath been paid in by the stockholders towards payment of their respective shares, and not for any other purpose, and that it is intended to have it there remain as part of the capital stock of the said Bank; which investigation is hereby declared indispensable, and shall be made at the periods prescribed by the second Section of this Act, when paying in the capital stock of the said Bank.

17. The shares or capital stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf; but no assignment or transfer shall be valid or effectual, unless such assignment or transfer shall be entered and registered in a book to be kept by the Directors for that purpose, nor until such person or persons so making the same shall previously discharge all debts actually due and payable to the said Corporation; in no case shall any fractional part of a share, or other than a complete share or shares be assignable or transferable; whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Bank to any other person or persons whatever, such stockholder shall cease to be a member of the said Corporation.

18. The said Company shall not directly nor indirectly deal in any thing excepting bills of exchange, gold or silver, bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or in the sale of stock pledged for money lent and not so redeemed; which said goods and stock so pledged shall be sold by the said Corporation at public sale at any time not less than thirty days after the period for redemption; and if upon such sale of goods or stock there shall be a surplus, after deducting the money lent together with the expenses of sale, such surplus shall be paid to the proprietors thereof respectively.

19. The holders of the stock of the said Bank shall be chargeable in their private and individual capacity, and shall be holden for the payment and redemption of all bills which may have been issued by the said Corporation, and also for the payment of all debts at any time due from the said Corporation, in proportion to the stock they respectively hold; provided however, that in no case shall any one stockholder be liable to pay a sum exceeding the amount of stock actually then held by him; provided nevertheless, that nothing previously contained shall be construed to exempt the joint stock of the said Corporation from being also liable for and chargeable with the debts and engagements of the same.

20. Every bond, bank bill, or bank note, or other instrument, by the terms or effect of which the said Corporation may be charged or held liable for the payment of money, shall specially

declare in such form as the Board of Directors shall prescribe, that payment shall be made out of the joint funds of the said Corporation; provided nevertheless, that nothing herein contained shall be construed to alter, change, or diminish the responsibilities and liabilities imposed on stockholders in their individual capacities by the nineteenth Section of this Act.

21. The total amount of the debts (deposits excepted) which the said Corporation shall at any time owe, whether by bond, bill, or note, or other contract whatsoever, shall not exceed twice the amount of the capital stock actually paid in by the stockholders, and in case of any excess, the Directors under whose administration and management the same shall happen, shall be liable for such excess in their individual and private capacities; provided always, that the lands, tenements, goods, and chattels of the said Corporation shall also be liable for such excess.

22. The Directors shall make half yearly dividends of all profits, rents, premiums, and interest of the said Corporation, payable at such time and place as the Directors shall appoint, of which they shall give thirty days notice in two Newspapers published in this Province.

23. The books, papers, correspondence, and funds of the said Corporation shall at all times be subject to the inspection of the Directors, but no stockholder not a Director shall inspect the account of any individual with the said Corporation.

24. All the bills or notes issued by the said Corporation shall be signed by the President for the time being, and countersigned and attested by the Cashier, and shall be printed and made in steel plates, and all bills and notes so signed and countersigned shall be binding on the said Corporation, and payable in specie at said Bank.

25. The said Corporation shall be liable to pay to any bona fide holder, the original amount of any note of the said Bank which shall have been counterfeited or altered in course of its circulation to a larger amount, notwithstanding such alteration.

26. The said Bank shall be kept and established at Saint Stephen, or at such other place as the Board of Directors may think it necessary to remove the said Bank on account of any great emergency, for the security thereof.

27. The Directors shall at the general meeting to be held

on the first Monday in April in every year, lay before the stockholders for their information, an exact and particular statement of the amount of debts due to and by the said Corporation, the amount of bank notes then in circulation, the amount of the gold and silver on hand, and the amount of such debts as are, in their opinion, bad or doubtful, also the surplus or profit (if any) remaining after deduction of losses and provisions for dividends; which statements shall be signed by the Directors and attested by the Cashier, and a duplicate statement so signed and attested, shall be transmitted to the Secretary of the Province, for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, and the Legislature; provided always, that the rendering of such statement shall not extend to give any right to the stockholders, not being Directors, to inspect the account of any individual or individuals with the said Corporation.

28. No loan shall be made by the said Bank on the pledge of its own stock.

29. Any joint Committee hereafter to be appointed by the Honorable the Legislative Council and the House of Assembly, for the purpose of examining into the proceedings of the said Corporation, shall either during the Session or prorogation of the General Assembly, have free access to all the books and vaults of the same.

30. Any number of stockholders not less than twelve, who together shall be proprietors of three hundred shares, shall have power at any time, by themselves or their proxies, to call a general meeting of the stockholders for purposes relating to the business of the said Corporation, giving at least thirty days previous notice in two Newspapers published in the Province, and specifying in such notice the time and place of such meeting, with the objects thereof; and the Directors, or any five of them, shall have the like power at any time, upon observing the like formalities, to call a general meeting as aforesaid.

31. On any dissolution of the said Corporation, immediate and effectual measures shall be taken by the Directors then in office, for closing all the concerns of the said Corporation, and for dividing the capital and profits which may remain among the stockholders, in proportion to their respective interests; and in case any bills issued by the said Corporation shall remain

unpaid, the holders of stock in the said Corporation, as well as those who were stockholders at the time of the notice of the said dissolution, (which said notice shall take place by a publication of their intention so to do in the Royal Gazette twelve months previous to the said Corporation being allowed to carry the same into effect) shall be chargeable in their private and individual capacity for the payment and redemption thereof, in proportion to the stock they respectively held or hold, subject however to the proviso mentioned in the nineteenth Section of this Act; provided however, that this liability shall continue for two years only from after the notice of such dissolution.

32. The aggregate of all the debts due to the said Bank from the Directors thereof as principal, endorsers, or sureties, shall not at any one time exceed thirty three and one third per centum of the capital stock.

33. The Cashier of the said Bank shall semi-annually, that is to say, on the first Monday in January and the first Monday in July in each and every year, make a return in triplicate of the state of the said Bank, as it existed at three of the clock in the afternoon of the said days respectively, and shall forthwith transmit the same to the Office of the Secretary of the Province, which return shall specify the amount due from the Bank, designating in distinct columns the several particulars included therein, and shall also specify the resources of the said Bank, designating in distinct columns the several particulars included therein; and the said return shall be made in the following form, viz:—

FORM OF RETURN.

State of Bank on the Monday of 18 , 3 o'clock P. M.

DUE FROM BANK.

Bills in circulation,

Net profits on hand,

Balance due to other Banks,

Cash deposited, including all sums whatever due from the
Bank not bearing interest, its bills in circulation, profits,
and balances due to other Banks excepted,

Cash deposited bearing interest,

Total amount due from the Bank,

RESOURCES OF THE BANK.

Gold, silver, and other coined metals in its banking house,
Real estate,
Bills of other Banks incorporated in this Province,
Balances due from other Banks,
Amount of all debts due, including notes, bills of exchange,
and all stock and funded debts of every description,
excepting the balances due from other Banks,
Total amount of the resources of the Bank,

Date and amount of the last dividend, and when declared,
Amount of reserved profits at the time of declaring the last
dividend,
Amount of debts due and not paid, and considered
doubtful,

Which return shall be signed by the Cashier of said Bank, who shall make oath or affirmation before some Magistrate qualified to administer oaths, to the truth of said return according to the best of his knowledge and belief; and the Cashier of the said Bank shall also make return under oath, whenever required by the Legislature, of the names of the stockholders, and the amount of stock owned by each; and a majority of the Directors of said Bank shall certify and make oath or affirmation before the same Magistrate as the said Cashier, that the books of said Bank indicate the state of facts so returned by their Cashier, and that they have full confidence in the truth of the return so made by him; and it shall be the duty of the Secretary of the Province annually to lay before the Legislature of this Province as soon after the opening of any Session thereof as practicable, one of such respective returns as he may have received since the then last previous Session.

34. The Cashier or acting Cashier for the time being, shall on each and every discount day furnish a true list to the President or Chairman of the said Bank, of all delinquent promisers, endorsers, and sureties, made up to three o'clock on the day preceding the discount day, which list shall be called a delinquent sheet; and it shall be the duty of the President or Chairman on each and every discount day as aforesaid, to read the name or names contained in such delinquent sheet, to the Board

of Directors ; and in case the name of any Director shall appear on such delinquent sheet, either as promiser, endorser, or surety, it is hereby declared illegal for such Director to sit at the board, or take any part in the management of the affairs of the said Bank during the continuance of such delinquency.

35. In the event of any Director continuing a delinquent as aforesaid for ninety consecutive days at any one time, such continued delinquency shall disqualify such Director from holding his seat ; and it shall be the duty of the President and other Directors forthwith to proceed in filling up the vacancy in the manner prescribed in the fourteenth Section of this Act, as in the case of death or absence from the Province.

36. No action shall be brought or maintained upon any bank bill or bank note which shall be issued by the said Corporation, before such bill or note shall have been presented at the Bank for payment, and default in payment shall thereupon take place.

37. All and every the shares in the capital stock of the said Bank, and all the profits and advantages of such shares respectively, shall be deemed and considered to be of the nature of and shall be personal estate, and transmissible as such accordingly.

38. The shares in the capital stock of the said Bank shall be liable to be seized and taken in execution and sold in like manner with other personal property ; provided always, that the Sheriff or other officer executing such execution, shall leave a copy of such execution, certified by the Sheriff or his deputy, with the Cashier of the said Bank ; and the shares in the capital stock of the said Bank so liable to such execution, shall be deemed to be seized in execution when such copy is so left, and the sale shall be made within thirty days after such seizure ; and on production of a bill of sale from the Sheriff, the Cashier of the said Bank shall transfer the number of shares sold under such execution to the purchaser or purchasers thereof, and such transfer shall be valid and effectual notwithstanding there may be any debt due to the said Bank from the person or persons whose shares may be seized and sold ; provided also, that the said Cashier shall, upon the exhibiting to him of such certified copy of the execution, be bound to give to such Sheriff or other officer a certificate of the number of shares in the said capital stock held by the judgment

debtor named in such execution, and the shares of such judgment debtor in the said capital stock shall be bound by such execution only from the time when such copy of the execution shall be so left with the Cashier.

39. This Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty six.

6th WILLIAM 4th—CHAPTER 57.

An Act to provide for the further increase of the Capital Stock of the Bank of New Brunswick, and to amend and continue the Act for incorporating the said Bank.

Section.

1. Increase of capital.
2. Additional shares, how disposed of.
3. How paid for, &c.
4. Instalments, when forfeited.
5. Holders of additional stock, to what liable.
6. Bill, &c., to be presented before action.
7. General meeting, who to call.
8. Debts, who liable for.
9. Loan, when not allowed.
10. Directors, debts limited.

Section.

11. Shares, to what liable.
12. Returns, to whom made.
13. Delinquent sheet, to whom furnished.
14. Disqualification of Directors.
15. When note for discount not excluded.
16. What Act continued.
17. What other Acts continued.
18. Shares, what deemed.
19. Act, when to commence.

Passed 16th March 1836.

WHEREAS it is expedient further to increase the capital stock of the Bank of New Brunswick, and to make more effectual provisions for the regulation of the same, and to extend the term of its Charter ;—

Be it enacted, &c.—1. The stockholders of the said Bank shall be and they are hereby empowered and authorized from time to time hereafter at any general meeting to be for that purpose called and holden, to increase the capital stock of the said Bank by such additional amounts, not less at any one time than twelve thousand five hundred pounds, and not exceeding in all the sum of fifty thousand pounds, as they may deem expedient ; which additional stock shall be divided into shares of fifty pounds each ; provided always, that the whole of such additional stock shall be called in within five years from the passing of this Act.

2. The additional shares in the capital stock of the said Bank to be from time to time created by such increase shall be sold and disposed of at public auction to the highest bidder, at such times and places as the stockholders of the said Bank at such general meeting as aforesaid shall appoint, sixty days

notice of such sales respectively being first given at least in four public Newspapers printed at Saint John, Fredericton, Saint Andrews, and Miramichi, respectively.

3. Ten per cent. of the additional shares which may be sold from time to time as aforesaid, and of any advance or premium at which they may be respectively sold, shall be paid down at the times of such sales respectively, and the remainder thereof shall be paid into the said Bank within four months after the sale thereof, and the whole of such advance or premium, if any, after first deducting thereout the charges of such sale, shall be divided in equal proportion to and among all the shares in the capital or stock of the said Bank, as well the additional as the former shares, and such dividend of the said advance or premium, if any, shall be declared and paid by the said Directors within thirty days after the payment into the said Bank of the purchase money of the said additional sums, as the same shall from time to time take place; and banking operations may take place upon each respective amount of such additional stock so called in, when the Directors, or a majority of them, together with the Cashier of the said Bank, shall have signed and verified by oath, and filed in the Office of the Secretary of the Province, a certificate that such amount of capital stock at any time called in, has actually been paid into the said Bank in current gold and silver coins of the Province, and not before.

4. In case of any default of payment of any of the said shares, and the advance or premium at which they may have been sold, at the days and times where the same should have been made according to the provision of this Act, the said instalment of ten per cent. so paid in on such shares shall be forfeited, and be divided among the stockholders in like manner and at the same time or times as the advance or premium at which the shares may be respectively sold, it shall and may be lawful for the Directors of the said Bank for the time being forthwith to sell and dispose of the said shares, in the payment of which default may be so made, at their discretion, to the best advantage, and payment thereof shall be immediately made, and any advance or premium thereon shall be divided in the manner before mentioned.

5. All and every the additional shares in the said capital or stock, created under and by virtue of the provisions of this

Act, and the holders thereof, shall at all times be subject and liable to all and singular the rules and regulations, clauses and provisions of an Act made and passed in the sixtieth year of the Reign of King George the Third, intituled *An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Bank of New Brunswick*, save and except as hereinafter amended, and of this or of any other Act or Acts of Assembly made or to be made relating to the said Bank.

6. No action shall be brought or maintained upon any bank bill or bank note already issued or which shall hereafter be issued by the said Corporation, before such bill or note shall have been presented at the Bank for payment, and default in payment shall thereupon take place.

7. Any number of stockholders not less than fifteen, who together shall be proprietors of two hundred shares, shall have power at any time, by themselves or their proxies, to call a general meeting of the stockholders for any purpose relating to the business of the said Corporation, giving the notice for such general meeting required by the first recited Act of the sixtieth year of the Reign of King George the Third, any thing in the said recited Acts to the contrary notwithstanding.

8. The holders of the stock in the said Bank shall be chargeable in their private and individual capacity, and shall be holden for the payment and redemption of all bills which may have been issued by the said Corporation; and also for the payment of all debts at any time due from the said Corporation, in proportion to the stock they respectively hold; provided however, that in no case shall any one stockholder be liable to pay a sum exceeding the amount of stock actually then held by him; provided nevertheless, that nothing previously contained shall be construed to exempt the joint stock of the said Corporation from being also liable for and chargeable with the debts and engagements of the same.

9. From and after the expiration of one year from the passing of this Act no loan shall be made by the said Bank on the pledge of its own stock.

10. The aggregate of all the debts due to the said Bank from the Directors thereof, as principals, endorsers, or sureties, shall not at any one time exceed thirty three and one third per centum of the capital stock.

11. The shares in the capital stock of the said Bank shall be liable to be seized and taken in execution and sold in like manner with other personal property ; provided always, that the Sheriff or other officer executing such execution shall leave a copy of such execution, certified by the Sheriff or his deputy, with the Cashier of the said Bank, and the shares of the capital stock of the said Bank so liable to such execution shall be deemed to be seized in execution when such copy is so left, and the sale shall be made within thirty days after such seizure ; and on production of a bill of sale from the Sheriff, the Cashier of the said Bank shall transfer the number of shares sold under such execution to the purchaser or purchasers thereof, and such transfer shall be valid and effectual notwithstanding there may be any debt due to the said Bank from the person or persons whose shares may be so seized and sold ; provided also, that the said Cashier shall, upon the exhibiting to him of such certified copy of the execution, be bound to give to such Sheriff or other officer, a certificate of the number of shares in the said capital stock held by the judgment debtor named in such execution ; and the shares of such judgment debtor in the said capital stock shall be bound by such execution only from the time when such copy of the execution shall be so left with the Cashier.

12. The Cashier of the said Bank shall semi-annually, that is to say, on the first Monday in January and the first Monday in July in each and every year, make a return in triplicate of the state of the said Bank as it existed at three of the clock in the afternoon of the said days respectively, and shall forthwith transmit the same to the Office of the Secretary of the Province ; which return shall specify the amount due from the Bank, designating in distinct columns the several particulars included therein ; and shall also specify the resources of the said Bank, designating in distinct columns the several particulars included therein ; and the said return shall be made in the following form, viz :—

FORM OF RETURN.

State of *Bank on the* *Monday of* 18 , 3 o'clock P.M.

DUE FROM THE BANK.

Bills in circulation,
Net profits on hand,

Balance due to other Banks,
Cash deposited, including all sums whatever due from the
Bank not bearing interest, its bills in circulation, profits,
and balances due to other Banks excepted,
Cash deposited bearing interest,
Total amount due from the Bank,

RESOURCES OF THE BANK.

Gold, silver, and other coined metals in its banking house,
Real estate,
Bills of other Banks incorporated in this Province,
Balance due from other Banks,
Amount of all debts due, including notes, bills of exchange,
and all stock and funded debts of every description,
excepting the balances due from other Banks,
Total amount of the resources of the Bank,

Date and amount of the last dividend and when declared,
Amount of reserved profits at the time of declaring the last
dividend,
Amount of debts due and not paid, and considered
doubtful,

Which return shall be signed by the Cashier of said Bank, who shall make oath or affirmation before some Magistrate qualified to administer oaths, to the truth of the said return according to the best of his knowledge and belief; and the Cashier of the said Bank shall also make return under oath, whenever required by the Legislature, of the names of the stockholders, and the amount of stock owned by each; and a majority of the Directors of the said Bank shall certify and make oath or affirmation before the same Magistrate as the said Cashier, that the books of the said Bank indicate the state of facts so returned by their Cashier, and that they have full confidence in the truth of the return so made by him; and it shall be the duty of the Secretary of the Province annually to lay before each branch of the Legislature of this Province, as soon after the opening of any Session thereof as practicable, one of such respective returns as he may have received since the then last previous Session.

13. The Cashier or acting Cashier for the time being, shall on each and every discount day furnish a true list to the President or Chairman of the said Bank of all delinquent promisers, endorsers, and sureties, made up to three o'clock on the day preceding the discount day, which list shall be called a delinquent sheet; and it shall be the duty of the President or Chairman on each and every discount day as aforesaid, to read the name or names contained in such delinquent sheet to the Board of Directors; and in case the name of any Director shall appear on such delinquent sheet either as a promiser, endorser, or surety, it is hereby declared illegal for such Director to sit at the board, or take any part in the management of the affairs of the said Bank during the continuance of such delinquency.

14. In the event of any Director continuing a delinquent as aforesaid for ninety consecutive days at any one time, such continued delinquency shall disqualify such Director from holding his seat, and it shall be the duty of the President and other Directors forthwith to proceed in filling up the vacancy in like manner as in the case of death or absence from the Province.

15. No note or bill offered for discount at the said Bank shall be refused or excluded by a single vote.

16. The said hereinbefore recited Act of the sixtieth year of the Reign of King George the Third shall be and remain in force in all respects except as hereinbefore altered or amended, and shall further continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty.

17. This Act and an Act made and passed in the sixth year of the Reign of King George the Fourth, intituled *An Act to increase the Capital Stock of the Bank of New Brunswick*, shall be and continue in force for and during the continuance of the said recited Act of the sixtieth year of the Reign of King George the Third, and no longer.

18. All and every the shares in the capital stock of the said Bank, whether original or additional stock, and all the profits and advantages of such shares respectively, shall be deemed and considered to be of the nature of and shall be personal estate, and be transmissible as such accordingly.

19. This Act shall not be in operation or in force until the first day of March next.

6th WILLIAM 4th—CHAPTER 58.

An Act to increase the Capital Stock of the Central Bank of New Brunswick, and to amend the Act incorporating the same.

Section.

1. Increase of capital.
2. Additional shares, how sold.
3. What to be the capital.
4. Notice of sale of stock.
5. Dividend of advance, &c.
6. On default, shares to be resold.
7. Board of Directors to decide questions.
8. Additional shares, to what subject.

Section.

9. Limitation as to debts.
10. Returns of state of Bank.
11. Delinquent sheet, how made up.
12. Note to be presented before action.
13. Shares, what deemed.
14. To what liable.
15. Limitation.

Passed 16th March 1836.

WHEREAS from the increase of business and trade in this Province, and from the present limited capital of the Central Bank of New Brunswick, it is found expedient to increase the said Capital Stock and to amend the Act of incorporation ;—

Be it therefore enacted, &c.—1. The capital or stock of the Central Bank of New Brunswick shall be increased by a sum not exceeding thirty five thousand pounds, making the said capital stock in the whole not exceeding the sum of fifty thousand pounds, which additional capital or stock shall be divided into one thousand four hundred shares of twenty five pounds each.

2. The said additional shares in the capital or stock of the said Bank shall be sold and disposed of by public auction to the highest bidder, in separate lots of four shares each, at the times and manner following, that is to say :—Such sum as the Directors for the time being shall appoint, not less than ten thousand pounds, making four hundred shares, on or before the fifteenth day of May next after the passing of this Act, and the remaining sum of twenty five thousand pounds, making one thousand shares, (if so much shall remain unsold) at such time or times as the said Directors for the time being shall appoint; provided that no such sale shall take place of a less sum than five thousand pounds at one time nor after the period of five years from the passing of this Act.

3. In case the Directors of the said Bank for the time being shall not deem it advisable or expedient to sell stock to the

full amount of thirty five thousand pounds as provided for by the second Section of this Act, then and in such case the amount actually sold at the expiration of the said term of five years from the time of the passing of this Act, in addition to the present capital of fifteen thousand pounds, shall be deemed and taken to be the capital stock of the said Bank.

4. The said Directors shall give at least fifty days notice of the time and place of any sale of stock under and by virtue of the provisions of this Act, and cause the same to be published as speedily as may be in four public Newspapers printed at Fredericton, Saint John, Saint Andrews, and Miramichi, in which notice shall be particularly specified the time when such stock, with the advance or premium thereon, will be required to be paid into the Bank.

5. The whole amount of such advance or premium, (if any there be) first deducting thereout the charges of such sale, shall be divided in equal proportions to and among all the shares in the capital or stock of the said Bank, as well the additional as the original shares, and such dividend of the said advance or premium shall be declared and paid by the said Directors immediately after the payment into the Bank of the purchase money of the said additional shares; and banking operations may take place upon each respective amount of such additional stock so called in when the Directors, or a majority of them, together with the Cashier of the said Bank, shall have signed and verified by oath, and filed in the Office of the Secretary of the Province, a certificate that such amount of capital stock at any time called in has actually been paid into the said Bank in current gold and silver coins of the Province, and not before.

6. In case of default of payment of any of the said shares, and the advance or premium at which they may have been sold, on the day or days when the same shall be notified to be paid as aforesaid, it shall and may be lawful for the Directors of the said Bank for the time being, forthwith to sell and dispose of the said shares in the payment of which default shall be so made, at their discretion, to the best advantage, and any advance or premium thereon shall be divided in the manner hereinbefore mentioned.

7. Whenever any question shall require to be decided by

the Directors under the provisions of this Act, the board shall be constituted and the votes taken in the manner prescribed in and by the seventh Section of the Act incorporating the said Bank.

8. The said additional shares hereby created, and the holders thereof, shall at all times be subject and liable to all and singular the rules and regulations, clauses and provisions of an Act made and passed in the fourth year of the Reign of His present Majesty King William the Fourth, intituled *An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Central Bank of New Brunswick*, and of the bye laws of the said Corporation, and of this Act, and any other Act or Acts of Assembly to be made and passed relating to the said Bank

9. And whereas by the twenty first Section of the said hereinbefore recited Act, it is enacted that the total amount of the debts which the said Corporation shall at any time owe, whether by bond, bill, note, or other contract whatsoever, shall not exceed twice the amount of the capital stock actually paid in by the stockholders ;—Nothing in the said Section shall extend or be construed to extend to any money deposited in the said Bank.

10. And whereas in and by the thirty third Section of the hereinbefore recited Act, the Cashier of the said Bank is required semi-annually, that is to say, on the first Monday in January and the first Monday in June in each and every year, to make a return of the state of the said Bank as it existed at two of the clock in the afternoon of the said days respectively, and forthwith transmit the same to the Secretary of the Province : And whereas that part of the said thirty third Section above recited is inconsistent in part and in other respects difficult to be complied with ;—From and after the passing of this Act, the said Cashier shall semi-annually, that is to say, on the first Monday in December and the first Monday in June in each and every year, make a return in triplicate of the said Bank as it existed at three of the clock in the afternoon of the said days respectively, and shall forthwith transmit the same in triplicate to the Secretary of the Province ; and in case of the sickness or unavoidable absence of the said Cashier, then and in such case it shall and may be

lawful for the said Cashier to make the said return so soon after the time and times required in and by this Section as he possibly can; provided always, that nothing herein contained shall be construed to extend to alter the nature, character, or manner of making the said return, or otherwise to repeal the said thirty third Section of the said recited Act, except as is herein specially provided.

11. And whereas also in and by the thirty fourth Section of the said recited Act, the Cashier of the said Bank is required to furnish the President or Chairman of the said Bank with a true list of all delinquent promisers, endorsers, and sureties, made up to two o'clock on the day preceding the discount day, which list shall be called a delinquent sheet: And whereas the making up of the said list or delinquent sheet at two o'clock has been found inconvenient;—From and after the passing of this Act, the said Cashier shall make up the said delinquent sheet to three of the clock in the afternoon of the day preceding the discount day, and furnish the same to the President or Chairman of the said Bank, agreeably to the terms and provisions of the said thirty fourth Section of the said Act.

12. No action shall be brought or maintained upon any bank bill or bank notes already issued, or which shall hereafter be issued by the said Corporation, before such bill or note shall have been presented at the Bank for payment, and default in payment shall thereupon take place.

13. All and every the shares in the capital stock of said Bank, whether original or additional stock, and all the profits and advantages of such shares respectively, shall be deemed and considered to be of the nature of and shall be personal estate, and transmissible as such accordingly.

14. The shares in the capital stock of the said Bank shall be liable to be seized and taken in execution and sold in like manner with other personal property; provided always, that the Sheriff or other officer executing such execution shall leave a copy of such execution, certified by the Sheriff or his deputy, with the Cashier of the said Bank; and the shares in the capital stock of the said Bank so liable to such execution, shall be deemed to be seized in execution when such copy is so left, and the sale shall be made within thirty days after such seizure; and on production of a bill of sale from the Sheriff,

the Cashier of the said Bank shall transfer the number of shares sold under such execution to the purchaser or purchasers thereof, and such transfer shall be valid and effectual notwithstanding there may be any debt due to the said Bank from the person or persons whose shares may be seized and sold; provided also, that the said Cashier shall, upon the exhibiting to him of such certified copy of the execution, be bound to give to such Sheriff or other officer a certificate of the number of shares in the said capital stock held by the judgment debtor named in such execution; and the shares of such judgment debtor in the said capital stock shall be bound by such execution only from the time when such copy of the execution shall be so left with the Cashier.

15. This Act shall continue and be in force and effect for and during the continuance of the Act to which this is an amendment.

8th WILLIAM 4th—CHAPTER 9.

An Act in addition to an Act intituled *An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Saint Stephens Bank, in the County of Charlotte.*

Section 1.—Time extended for part of Capital.

Passed 22nd July 1837.

WHEREAS by the second Section of the above recited Act, one half of the capital stock of the said Bank is required to be paid in within one year, and the other half within two years from the passing of the same: And whereas it is expedient that a longer time be given for paying in the remaining half of the said capital stock than is allowed by the said Act;—

Be it therefore enacted, &c.—1. The further time of two years from the eighth day of March one thousand eight hundred and thirty eight, be allowed for paying in the unpaid half of the said capital stock, the same to be paid in current gold and silver coins of this Province, agreeably to the provisions of the said recited Act.

8th WILLIAM 4th—CHAPTER 16.

An Act to enable the Proprietors or Shareholders of a Company called the Bank of British North America, to sue and be sued in this Province, in the name of the Manager or of any of the local Directors for the time being of the said Company.

Section.

1. Legal proceedings, how conducted.
2. Indictments, &c. in whose name preferred.
3. Actions by and between Company and stockholders.
4. May be as if stockholders were not so.
5. Executions on judgments against Company.
6. Judgments against Manager, &c., effect of.

Section.

7. Act, how long to extend.
8. To what not to extend.
9. Registry of stockholders, where kept.
10. Registry of transfers.
11. Provincial Secretary's duty.
12. Registry book filed, &c.
13. Inspection of, &c.

Passed 22nd July 1837.

WHEREAS certain persons in England and in this Province have formed themselves into a Company or Partnership called or known by the name of "The Bank of British North America," for the purpose of establishing and carrying on Banks of issue and deposit at various Cities, Towns, and places, as well within this Province as within other British Settlements and Colonies in North America, and have subscribed and paid a considerable sum of money in order to carry on the business of the said Bank: And whereas it is expected that the public interests of this Province will be greatly benefited by the operations of the said Company: And whereas inconveniences may hereafter arise in recovering debts due to the said Company, and also in enforcing claims for or on account of the said Company, and generally in suing and being sued, and also in prosecuting persons who may steal, injure, or embezzle the property of, or who commit any other offence against the said Company, since by law all the proprietors or shareholders for the time being of the said Company ought in such cases to sue and be sued, and prosecute by their several distinct names; wherefore for obviating and removing the inconveniences aforesaid,—

Be it enacted, &c.—1. From and after the passing of this Act, all actions and suits whatsoever at law or in equity, which may be brought, instituted, or prosecuted within this Province, against any person or persons already indebted or who may hereafter be indebted to the said Company, called "The Bank of British North America," and all actions, suits, and other proceedings whatsoever at law or in equity within this Pro-

vince, for any injury or wrong done to any real or personal property of the said Company, in whomsoever the same may for the time being be vested, whether in the said Company or some person or persons in trust for, or for the use and benefit of the said Company, or upon any bonds, covenants, contracts, or agreements which already have been or hereafter shall be given or entered into with the said Company, or to or with any person or persons whomsoever in trust for, or for the use and benefit of the said Company, or wherein the said Company is or shall be interested, and generally all other proceedings whatsoever at law or in equity within this Province, wherein the said Company is or shall be concerned or interested, against any person or persons, or body or bodies politic or corporate, or others, whether such person or persons, or any of them, or such body or bodies politic or corporate, or any member or members thereof respectively, is or are or shall be a proprietor or proprietors, or other holder or holders of any share or shares in the said Company or not, shall and lawfully may be commenced, instituted, and prosecuted in the name of the Manager or of any one of the local directors of the said Company in this Province at the time when any such action, or suit, or other proceeding shall be commenced or instituted, as the nominal plaintiff, pursuer, or complainer, or as acting in any other character for or on behalf of the said Company ; and all actions, suits, or other proceedings at law or equity within this Province, to be commenced, instituted, or prosecuted against the said Company by any person or persons, or body or bodies politic or corporate, whether such person or persons, or such body or bodies, or any member or members thereof, is or are or shall be a proprietor or proprietors, or other holder or holders of any share or shares in the said Company or not, shall and lawfully may be commenced, instituted, and prosecuted against one of the local directors or the Manager of the said Company in this Province at the time when any such suit, or action, or other proceeding shall be commenced or instituted, as the nominal defendant, respondent, or defender in such last mentioned actions, suits, or proceedings, for or on behalf of the said Company ; and the death, resignation, or removal, or any other act of such Manager or local director shall not abate or prejudice any action, suit, or other proceeding in law

or equity commenced or instituted under this Act, but the same may be continued, prosecuted, carried on, or defended in the name of any other local director or of the Manager for the time being of the said Company.

2. From and after the passing of this Act, it shall be lawful for the said Company, by any local director or Manager for the time being of the said Company, to prefer any indictment, or information, or other criminal proceeding in any Court or Courts in this Province, against any person or persons, for any offence already committed or which shall hereafter be committed against the said Company; and in all indictments, informations, and other proceedings against any person or persons whomsoever for feloniously taking, stealing, or embezzling, damaging, or destroying, or for any offence whatever relating to any goods, chattels, notes, bills, bonds, deeds, or any securities, moneys, and effects, or any real or personal property whatever, of or belonging to the said Company, such goods, chattels, notes, bills, bonds, deeds, securities, moneys, effects, and property respectively may be laid and stated to be the goods, chattels, notes, bills, bonds, deeds, securities, moneys, effects, or property respectively of "The Bank of British North America;" and it shall not be necessary to state in any such indictment, information, or other proceeding, the name or names of all or any of the persons now or at any time hereafter constituting the said Company; and any offender or offenders shall or may thereupon be lawfully convicted in as effectual a manner to all intents and purposes as if the names of all the persons constituting the said Company were inserted in such indictment, information, or other proceeding, or in any proceeding or proceedings consequent or attendant thereon.

3. Any person being or having been a proprietor or other holder of any share or shares in the said Company, and having any claim or demand upon the Company, or the funds or property thereof, on any account whatsoever, may for such claim or demand commence, prosecute, and carry on any action, suit, or other proceeding either at law or equity, within this Province, against any local director or the Manager for the time being of the said Company, as the nominal defendant, respondent, or defender; and any local director or the Manager for the time being of the said Company, may as the nominal

plaintiff, pursuer, or complainer, commence and carry on in his own name any action, suit, or other proceeding at law or in equity in this Province, against any individual proprietor or other holder of any share or shares in the said Company against whom the said Company may have any claim or demand; and all such actions, suits, and other proceedings, shall be as valid and effectual as if all the proprietors or other holders of shares in the said Company had been made parties thereto; and every judgment, decree, and order made therein, shall be binding for or against the said Company, and all the proprietors or other holders of shares in the said Company; and no abatement shall arise from the death, resignation, or removal, or any other act of the said local director or Manager pending any such action, suit, or other proceeding, but the same may be continued, defended, prosecuted, or carried on in the name of any other local director or Manager of the said Company for the time being.

4. Provided always, that every person being a proprietor or other holder of any share or shares in the said Company, shall in all cases be liable to be sued, prosecuted, or proceeded against by or for the benefit of the said Company, under the powers of this Act, by such actions, suits, or other proceedings, in such and the same manner as effectually and with such and the same legal consequences as if such person had not been a proprietor or other holder of any share or shares in the said Company.

5. Execution upon any judgment in any action, or suit, or other proceedings under this Act, obtained against any local director or Manager for the time being of the said Company, whether as plaintiff or defendant, may be issued against any proprietor or proprietors, or other holder or holders for the time being of any share or shares in the said Company; provided always, that in case such execution against any proprietor or proprietors, or other holder or holders of any share or shares in the said Company, shall be ineffectual for obtaining payment of and satisfaction for the sum or sums sought to be recovered thereby, it shall be lawful for the party or parties who shall have obtained a judgment against any local director or Manager for the time being of the said Company, to issue execution against any other person or persons who was or

were a proprietor or proprietors, or other holder or holders of any share or shares in the said Company at the time the contract or contracts was or were entered into, upon which such action, suit, or other proceeding may have been brought or instituted; but no such execution as last mentioned shall be issued without leave first granted by the Court in which such action, suit, or other proceeding may have been brought or instituted, which leave shall be applied for upon motion to be made in open Court, on notice to the person or persons sought to be charged; provided also, that nothing herein contained shall render such past proprietors liable for payment of any debt for which such action, suit, or other proceeding may have been brought, to which they would not have been liable by operation of law as partners, in case any action, suit, or other proceeding had been originally brought against them by the same; provided also, that nothing in this Act contained shall be deemed or taken to enable any plaintiff or defendant in any action, suit, or other proceeding under this Act, to recover from any proprietor or other holder for the time being of shares in the said Company, or any other person whomsoever, any greater sum or sums of money than such proprietor or other holder or person would or might have been liable to pay, either at law or in equity, under any contract for the time being subsisting, if this Act had not been passed.

6. All and every judgment or judgments which shall at any time after the passing of this Act be obtained or recovered in any action, suit, or other proceeding in law or equity, against any local director or Manager of the said Company, shall have the like effect and operation upon and against the funds or property of the said Company, as if such judgment or judgments had been recovered or obtained against the said Company in any action, suit, or proceeding in law or equity, brought or commenced against the said Company, by or in the several and distinct names of the several proprietors or other holders of shares, and as if this Act had not been passed.

7. This Act, and the provisions herein contained, shall extend to the said Company, called "The Bank of British North America," at all times during the continuance thereof, whether the said Company hath been heretofore from time to time, or shall hereafter be composed of all or some of the persons who

were the original proprietors thereof, or of all or some of those persons, together with some other person or persons, or whether the said Company be at the time of passing this Act composed altogether of persons who were not original proprietors of the Company, or whether the said Company shall hereafter be composed of persons who were not original proprietors thereof, or of persons all of whom shall have become proprietors of the said Company subsequently to the passing of this Act.

8. Nothing herein contained shall extend to incorporate the said Company, or to relieve or discharge the said Company, or any of the proprietors or other holders of shares in the said Company, from any responsibility, contract, duty, or obligation whatsoever to which by law they, he, or she now are, or is, or at any time hereafter may be subject or liable, either as between such Company and other parties, or as between the said Company and any of the individual proprietors or other holders of shares in the said Company and others, or as between or among themselves, or in any other manner howsoever.

9. Within one year after the passing of this Act, the names and places of residence of all the then stockholders in the said Company shall be entered and registered at the Office of the Secretary of this Province, in a book to be there kept by the said Secretary for that purpose ; in which shall also be entered the date or time when each of such stockholders became a proprietor of such stock, and in which book shall also be entered a memorandum, in the form hereinafter mentioned, of every transfer of stock that may thereafter be made by any of the stockholders, which entry shall always be made within twelve months after such transfer shall be made.

10. Whenever any sale or transfer of stock of the said Company shall be made after the passing this Act, a memorandum thereof signed by both parties, and by one or more witness or witnesses, shall within one year after such transfer be filed by the purchaser or person to whom the same may be so transferred at the Office of the Secretary of this Province, which memorandum shall be in the following form, that is to say—

A. B. this day transferred to C. D. shares in the
Capital Stock of the Bank of British North America.—Dated
this day of .

(Signed)

A. B.
C. D.

Witness,

And any transfer or sale of any stock in the said Company, of which a memorandum in the form hereinbefore mentioned shall not be so filed at the Secretary's Office aforesaid, in manner and form and within the time in this Act directed, shall not be deemed a good and sufficient transfer against subsequent purchasers.

11. It shall be the duty of the Secretary of the Province for the time being, immediately or as soon after the filing at his office of every such memorandum as the same can be done, to cause the same to be entered and registered in the said book of registry so to be kept at the said Secretary's Office as aforesaid ; and which said book so to be kept shall be entitled and called the "Record of the Stockholders of the Bank of British North America."

12. The said book so to be kept at the Secretary's Office shall in the first instance be furnished and then filed by the said Company, with the names, residence, and dates of all the then stockholders respectively, fairly entered therein, and at least three fourths of the said book left blank for the entry of memorandums of transfer that may be thereafter made as in this Act directed.

13. Such book of record shall be open to the inspection of all persons applying at the said Secretary's Office during office hours for that purpose, and the Secretary of the Province for the time being shall for his trouble be allowed, and is hereby authorized to charge for every entry of such memorandum of transfer in the said book of registry a fee of one shilling and six pence currency, and for every search in the book made by any person applying at the said office for that purpose, the sum of one shilling, which said fees to be paid at the time of filing such memorandum of transfer, and making such search respectively ; and when the first book so to be kept as hereinbefore directed shall be filled up, it shall be the duty of the Secretary of the Province to furnish another, and keep at his own expense all succeeding books that may be required for such registry, so long as the same shall be required by law to be there kept.

2nd VICTORIA—CHAPTER 26.

An Act in addition to an Act intituled *An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Bank of New Brunswick.*

Section.

1. Capital of City Bank, how received, &c.
2. Officers.

Section.

3. City Bank securities, to whom transferred, &c.

Passed 23rd March 1839.

WHEREAS it is considered expedient that an union should take place between the Bank of New Brunswick and the City Bank;—

Be it therefore enacted, &c.—1. The President, Directors, and Company of the Bank of New Brunswick, shall and may, at any time hereafter, (if an arrangement for that purpose can be effected) receive into the capital stock of the said Bank of New Brunswick the capital stock of the City Bank, in the City of Saint John, which capital stock of the said City Bank shall, when so received, become and be part and parcel of the capital stock of the said Bank of New Brunswick; and the said Bank of New Brunswick and the said City Bank shall then and from thenceforth be united into one Bank, under the name of “The President, Directors, and Company of the Bank of New Brunswick,” and as such be subject to the provisions of the said Act incorporating the said Bank of New Brunswick, and also to the provisions of an Act made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act relating to Corporations*, and also to the provisions of a certain other Act made and passed in the same year of the Reign of His said late Majesty, intituled *An Act to prescribe certain general regulations in respect to Corporations*, and also to the provisions of an Act made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to provide for the further increase of the Capital Stock of the Bank of New Brunswick, and to amend and continue the Act for incorporating the said Bank*, and also to such rules and regulations for the good order and government of the said Bank of New Brunswick as have already been made, or may hereafter be made, agreeably to the said Act incorporating the said Bank of New Brunswick, and to the said Act made in the sixth year of the Reign of King William

the Fourth for increasing the capital stock of the same Bank ; provided always, that the whole amount of the capital stock of the same Bank, when increased under the provisions of this Act, shall not exceed the amount to which the stockholders of the same Bank are authorized to increase the capital stock thereof, by the provisions of the said last mentioned Act, passed in the sixth year of the Reign of King William the Fourth, that is to say, the sum of one hundred thousand pounds ; and provided also, that the increase of the capital stock of the same Bank, made under the provisions of this Act, shall be deemed and taken *pro rata*, to be in lieu of any increase of such capital stock under the provisions of the said last mentioned Act of the sixth year of the Reign of King William the Fourth.

2. When an union of the said Bank of New Brunswick and the said City Bank shall be effected, agreeably to the first Section of this Act, the persons then in office, as the President and Directors of the said Bank of New Brunswick, shall continue in office as such, and be and act as the President and Directors of such united Bank until the next annual election of officers shall take place agreeably to the said Act incorporating the said Bank of New Brunswick ; provided that the provisions of this Act shall not take effect, except by the order of a majority of the stockholders of the said Bank of New Brunswick, present at a meeting to be held at any time hereafter, agreeably to the terms of the said Act incorporating the said Bank of New Brunswick, at which meeting shall be represented at least three fourths of the shares of the said stockholders.

3. All the bonds, bills, notes, or other securities, held by the said City Bank at the time of such union of the said two Banks, shall and may be transferred to and recovered by and in the name of the President, Directors, and Company of the said Bank of New Brunswick ; and the said President, Directors, and Company of the said Bank of New Brunswick, shall be liable to and shall pay and discharge all bonds, bills, notes, or other securities given by the said City Bank, and outstanding at the time of such union ; and the stockholders of the said Bank of New Brunswick after the said union, shall be liable for the said last mentioned bonds, bills, notes, and other securities, in like manner as for any other debts due from the said Bank of New Brunswick.

3rd VICTORIA—CHAPTER 35.

An Act to alter and amend an Act intituled *An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Bank of New Brunswick.*

Section.

1. Repeal of what Acts.
2. Directors, when chosen.

Section.

3. Board, what to form.
4. Powers of.

Passed 25th March 1840.

WHEREAS it is thought advisable that the number of Directors to be annually chosen for the management of the concerns of the Corporation of the President, Directors, and Company of the Bank of New Brunswick, be reduced to nine, that five of such number be sufficient to form a Board for the transaction of business, and that it shall be no longer required that more than three of such Directors in office during the year preceding the day of each annual election shall be re-elected for the ensuing year; and that one of the said Directors, so to be re-elected, shall as heretofore be the President of the said Corporation, who was in office during such preceding year;—

Be it therefore enacted, &c.—1. So much of the Act made and passed in the sixtieth year of the Reign of His Majesty King George the Third, intituled *An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Bank of New Brunswick*, as relates to the number of Directors to be annually chosen for the management of the concerns of the said Corporation, the number requisite to constitute a Board for the transaction of business, and the number of Directors in office during the year preceding the day of election to be re-elected, and also an Act made and passed in the second year of the Reign of Her Majesty Queen Victoria, intituled *An Act to alter and amend an Act intituled "An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Bank of New Brunswick,"* be and the same are hereby repealed.

2. At the general meeting of the stockholders and members of the said Corporation to be annually holden as by law required, there shall be chosen by a majority of the stockholders and members of the said Corporation present, nine Directors for the management of the concerns of the said Corporation, who shall continue in office for one year, or until others are

chosen in their room ; in the choice of which Directors, the stockholders and members of the said Corporation shall vote according to the rule in and by the said Act of incorporation mentioned ; and the Directors when chosen shall at their first annual meeting after their election choose out of their number a President ; provided always, that three of the Directors in office shall be re-elected at such annual meeting for the next succeeding twelve months, of which the President shall always be one.

3. Five Directors so chosen, but no less than five, shall constitute a board for the transaction of business, of which the President shall always be one, excepting in case of sickness or necessary absence, in which case the Directors present may choose one of the board as Chairman in his stead ; the President shall vote at the board as a Director, and in case of there being an equal number of votes for or against any question before them, the President shall have a casting vote.

4. Every Board of the Directors to be hereafter annually elected and chosen, shall and may exercise and enjoy all and singular the powers and authorities heretofore granted to or exercised and enjoyed by the Board of Directors of the said Corporation, under and by virtue of the said Act of incorporation.

4th VICTORIA—CHAPTER 29.

An Act to extend the provisions of the Act for the increase of the Capital Stock of the Central Bank of New Brunswick.

Section 1.—Residue of increased stock, how long time extended for sale.

Passed 19th March 1841.

WHEREAS by the second Section of an Act made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to increase the Capital Stock of the Central Bank of New Brunswick, and to amend the Act incorporating the same*, it is enacted that no sale of such increased stock shall be made after the period of five years from the passing of the said Act : And whereas there now remains the sum of fifteen thousand pounds of such increased capital stock unsold, and it appearing from the

petition from the President, Directors, and Company of the Central Bank, that it would not at this time be advisable to dispose of the said stock so remaining unsold ;—

Be it therefore enacted, &c.—1. The term for the sale of the residue of the said increased stock, amounting to the sum of fifteen thousand pounds, shall be and the same is hereby extended to a further period of five years, and the President and Directors of the said Bank are hereby authorized and empowered to sell and dispose of the same at such time and times as they may deem expedient, giving at least fifty days notice in the Royal Gazette of the time of such sale, stating in such notice the amount of the increased stock it is intended to sell ; provided that no such sale shall take place for a less sum than five thousand pounds at any one time, nor after the said period of five years from the passing of this Act shall have expired.

7th VICTORIA—CHAPTER 14.

An Act to continue and amend the Act incorporating the Charlotte County Bank.

Section.

1. What Section of Act repealed.
2. Stockholders' liability.
3. Directors, aggregate liability.
4. Returns of state of Bank, &c. when made.
5. Delinquent sheet, to whom furnished.
6. Directors, disqualification for what.

Section.

7. Bank note when presented before suit.
8. What Section of Act repealed.
9. Directors, number to be chosen.
10. Board for business.
11. Directors, powers of.
12. Loan, when not allowed.
13. Limitation.

Passed 25th March 1844.

Be it enacted, &c.—1. The nineteenth Section of an Act made and passed in the sixth year of the Reign of King George the Fourth, intituled *An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Charlotte County Bank*, be and the same is hereby repealed.

2. The holders of the stock of the said Bank shall be chargeable in their private and individual capacity, and shall be holden for the payment and redemption of all bills which may have been issued by the said Corporation, and also for the payment of all debts at any time due from the said Corporation, in proportion to the stock they respectively hold ; provided however, that in no case shall any one stockholder be liable to pay a sum exceeding the amount of stock actually then held

by him; provided nevertheless, that nothing previously contained shall be construed to exempt the joint stock of the said Corporation from being also liable for and chargeable with the debts and engagements of the same.

3. The aggregate of all the debts due to the said Bank from the Directors thereof, as principals, endorsers, or sureties, shall not at any one time exceed thirty three and one third per centum of the capital stock.

4. The Cashier of the said Bank shall semi-annually, that is to say, on the first Monday in May and the first Monday in October in each and every year, make a return in triplicate of the state of the said Bank as it existed at three of the clock in the afternoon of the said days respectively, and shall forthwith transmit the same to the Office of the Secretary of the Province; which return shall specify the amount due from the Bank, designating in distinct columns the several particulars included therein; and shall also specify the resources of the said Bank, designating in distinct columns the several particulars included therein; and the said return shall be made in the following form, viz:—

FORM OF RETURN.

State of Bank on the Monday of 18 , 3 o'clock P. M.

DUE FROM THE BANK.

Bills in circulation,
 Net profits on hand,
 Balance due other Banks,
 Cash deposited, including all sums whatever due from the
 Bank not bearing interest, its bills in circulation, profits,
 and balances due to other banks excepted,
 Cash deposited bearing interest,
 Total amount due from the Bank,

RESOURCES OF THE BANK.

Gold, silver, and other coined metals in its banking house,
 Real estate,
 Bills of other Banks incorporated in this Province,
 Balances due from other Banks,
 Amount of all debts due, including notes, bills of exchange,
 and all stock and funded debts of every description,
 excepting the balances due from other Banks,
 Total amount of the resources of the Bank,

Date and amount of the last dividend, and when declared,
Amount of reserved profits at the time of declaring the last
dividend,
Amount of debts due and not paid, and considered
doubtful,

Which return shall be signed by the Cashier of the said Bank, who shall make oath or affirmation before some Magistrate qualified to administer oaths, to the truth of said return according to the best of his knowledge and belief; and the Cashier of the said Bank shall also make a return under oath, whenever required by the Legislature, of the names of the stockholders, and the amount of such stock owned by each; and a majority of the Directors of said Bank shall certify and make oath or affirmation before the same Magistrate as the said Cashier, that the books of the said Bank indicate the state of facts so returned by their Cashier, and that they have full confidence in the truth of the return so made by him; and it shall be the duty of the Secretary of the Province annually to lay before the Legislature of this Province, as soon after the opening of any Session thereof as practicable, one of such respective returns as he may have received since the then last previous Session.

5. The Cashier for the time being shall on each and every discount day furnish a true list to the President or Chairman of the said Bank, of all delinquent promisers, endorsers, and sureties, made up to three o'clock on the day preceding the discount day, which list shall be called a delinquent sheet; and it shall be the duty of the President or Chairman on each and every discount day as aforesaid, to read the name or names contained in such delinquent sheet to the Board of Directors; and in case the name of any Director shall appear on such delinquent sheet either as promiser, endorser, or surety, it is hereby declared illegal for such Director to sit at the board or take any part in the management of the affairs of the said Bank during the continuance of such delinquency.

6. In the event of any Director continuing a delinquent as aforesaid for ninety consecutive days at any one time, such continued delinquency shall disqualify such Director from holding his seat; and it shall be the duty of the President and

other Directors forthwith to proceed in filling up the vacancy in the manner prescribed in the fourteenth Section of the Act incorporating the said Bank.

7. No action shall be brought or maintained upon any bank bill or bank note, which shall be issued by the said Corporation, before such bill or note shall have been presented at the Bank for payment, and default in payment shall thereupon take place.

8. Whereas it is thought advisable that the number of Directors to be annually chosen for the management of the concerns of the said Corporation be reduced to seven ; that three of said number form a board for the transaction of business ; and that it shall be no longer required that more than three of such Directors in office during the year preceding the day of such annual election, shall be re-elected for the ensuing year ; and that one of the said Directors so to be re-elected shall as heretofore be the President of the said Corporation, who was in office during such preceding year ;—So much of the said recited Act as relates to the number of Directors to be annually chosen for the management of the concerns of the said Corporation, the number required to constitute a Board for the transaction of business, and the number of Directors in office during the year preceding the day of election to be re-elected, be and the same are hereby repealed.

9. At the general meeting of the stockholders and members of the said Corporation to be annually holden as by law required, there shall be chosen by a majority of the stockholders and members of the said Corporation present, seven Directors for the management of the concerns of the said Corporation, who shall continue in office for one year, or until others are chosen in their room ; in the choice of which Directors, the stockholders and members of the said Corporation shall vote according to the rule in and by the said Act of incorporation mentioned ; and the Directors when chosen shall at the first meeting after their election, choose out of their number a President ; provided always, that three of the Directors in office shall be re-elected at such annual meeting for the next succeeding twelve months, of which the President shall always be one.

10. Of the seven Directors so chosen, not less than three shall constitute a board for the transaction of business, of which

the President shall always be one, excepting in case of sickness or necessary absence, in which case the Directors present may choose one of the board as Chairman in his stead; the President shall vote at the board as a Director, and in case of there being an equal number of votes for or against any question before them, the President shall have a casting vote.

11. Every Board of the Directors to be hereafter annually selected and chosen, shall and may exercise and enjoy all and singular the powers and authorities heretofore granted to or exercised and enjoyed by the Board of Directors of the said Corporation, under and by virtue of the said Act of incorporation.

12. No loan shall be made by the said Bank on the pledge of its own stock.

13. The said recited Act, as also this Act in amendment thereof, shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and seventy.

15th VICTORIA—CHAPTER 69.

An Act to continue the Charter of the Central Bank of New Brunswick.

Section 1.—Continuance of Charter.

Passed 7th April 1852.

Be it enacted, &c.—1. An Act made and passed in the fourth year of the Reign of His late Majesty William the Fourth, intituled *An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Central Bank of New Brunswick*, and all Acts in amendment thereof, shall further continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and seventy four.

15th VICTORIA—CHAPTER 70.

An Act to continue an Act intituled *An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Saint Stephens Bank, in the County of Charlotte.*

Section 1.—Continuance of Charter.

Passed 7th April 1852.

Be it enacted, &c.—1. An Act made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Saint Stephens Bank, in the County of Charlotte*, be and the same is hereby continued until the first day of May which will be in the year of our Lord one thousand eight hundred and seventy four.

16th VICTORIA—CHAPTER 51.

An Act to extend the Charter of the President, Directors, and Company of the Commercial Bank of New Brunswick.

Section 1.—Continuance of Charter.

Passed 3rd May 1853.

Be it enacted, &c.—1. The Charter heretofore made and granted to the President, Directors, and Company of the Commercial Bank of New Brunswick, by Letters Patent under the Great Seal of this Province, bearing date the sixteenth day of August in the year of our Lord one thousand eight hundred and thirty four, and all matters and things therein contained, be and the same are hereby continued and declared to be in full force and effect to all intents and purposes, till the sixteenth day of August which will be in the year of our Lord one thousand eight hundred and seventy six.

16th VICTORIA—CHAPTER 52.

An Act to increase the Capital Stock of the Saint Stephens Bank, in the County of Charlotte.

Section.

1. Increase of capital.
2. Additional stock, how sold.
3. Notice of sale.
4. Advance, how divided, &c.

Section.

5. Forfeited shares, how disposed of.
6. Decision of questions.
7. Liability of additional shares.
8. Limitation.

Passed 3rd May 1853.

WHEREAS from the increase of business and trade in Saint Stephens, and from the limited capital of the Saint Stephens Bank, it becomes expedient to increase the capital stock of the same ;—

Be it enacted, &c.—1. The capital stock of the Saint Stephens Bank shall be increased by the sum of twenty five thousand pounds, which additional capital stock shall be divided into shares of twenty five pounds each.

2. The additional shares shall be sold and disposed of at public auction to the highest bidder, in separate lots of four shares each, at the times and in manner following, that is to say:—Such sum as the Directors for the time being shall appoint, not less than twelve thousand five hundred pounds, making five hundred shares, on or before the first day of January next after the passing of this Act; and the remaining sum of twelve thousand five hundred pounds, (if so much shall remain unsold) at such time or times as the said Directors for the time being shall appoint; provided that no such sale shall take place of a less sum than five thousand pounds at one time, nor after the period of five years from the passing of this Act; and the amount then sold, in addition to the present capital, shall be the capital of the said Bank.

3. The said Directors shall give at least forty days notice of the time and place of any sale of stock under the provisions of this Act, and cause the same to be published in one public Newspaper published in Saint John, one in Saint Andrews, and one in Fredericton; in which notice shall be specified the time when such stock, with the advance or premium thereon, will be required to be paid into the Bank.

4. The whole of such advance or premium, (if any) first deducting the charges of sale, shall be divided in equal proportions among the shares in the stock of said Bank, as well the old as the new stock; and such dividend of the said premium shall be declared and paid by the Directors immediately after the payment into the Bank of the purchase money of the said additional shares; and banking operations may take place upon each respective amount of such additional stock so called in, when the Directors, or a majority of them, together with the Cashier of the said Bank, shall have signed and verified by oath, and filed in the Office of the Secretary of the Province, a certificate that such amount of capital stock at any time called in, has actually been paid into the said Bank in current gold and silver coins of the Province, and not before.

5. Forfeited shares for non-payment thereof, and of the

premium, (if any) shall without delay be sold in the same manner as before, and the premium divided as before.

6. All questions arising under this Act shall be decided in the same manner as questions arising under the original Act of incorporation.

7. The additional shares created by this Act shall be subject to all the rules, regulations, and provisions to which the present stock is subject, or may hereafter be subject by any law of this Province.

8. This Act shall continue and be in force during the continuance of the Act incorporating the said Bank.

17th VICTORIA—CHAPTER 1.

An Act to incorporate sundry persons by the name of The President, Directors, and Company of the Westmorland Bank of New Brunswick, in the County of Westmorland.

Section.

1. Company incorporated, with power to possess lands, sue, make laws, &c.
2. Capital to be £15,000, divisible into shares, and payable at specified times.
3. Limit of value of land to be held, except as collateral security.
4. Calling of first meeting for making bye laws and choosing Directors.
5. Annual general meeting for choosing Directors to be held on first Monday in June.
6. Appointment and compensation of officers, clerks, and servants.
7. Board for business; vote of President; and refusal of discount.
8. President may be compensated; but no Director.
9. Qualification of Directors.
10. Cashier and Clerks to give security.
11. Scale of votes.
12. Votes may be given by proxy.
13. Shares to be held by individuals, limited.
14. Filling up of vacant Directorships.
15. Notice of payable instalments. No discount till £7,500 are paid in.
16. Payment of capital to be ascertained by Commissioners.
17. Shares to be assignable.
18. Business limited to Bills of Exchange, &c.
19. Liability of stockholders.

Section.

20. Bonds, &c., to be payable from the joint funds of the Corporation.
21. Limit to debts payable; liability for excess.
22. Half yearly dividends to be made.
23. Books, &c. to be open to the Directors.
24. Signers and countersigners of bills or notes.
25. Payment of altered notes.
26. Bank to be established at Moncton.
27. Statement for annual general meeting.
28. No loan on pledge of stock.
29. Legislature to have access to Books.
30. Power to call general meetings.
31. Closing concerns on any dissolution.
32. Limit of debts to Bank by the Directors.
33. Semi-annual returns to be made.
34. Delinquent sheet for discount days; no Director thereon to act.
35. Disqualification of Directors.
36. No action on note before presentation.
37. Shares and profits to be personal estate.
38. Shares to be liable to seizure.
39. Capital may be increased to £30,000.
40. Additional shares to be sold at auction.
41. Notice of time of sale.
42. Advance or premium to be divided between the old and new stock.
43. New stock subject as old stock.
44. Act limited to 1st May 1875.

Passed 20th March 1854.

WHEREAS it is thought that the establishment of a Bank at Moncton, in the County of Westmorland, would promote the interests of the Province, by increasing the means of circulation;—

Be it enacted, &c.—1. Charles F. Allison, Bliss Botsford,

Christopher Boultenhouse, Malcolm Cochrane, James Dickson, William Fawcett, Thomas Gamble, Michael S. Harris, Daniel Hanington, John Humphrey, Oliver Jones, Moses Jones, John Lewis, Henry Livingston, Peter M'Sweeney, Ambrose Newman, Thomas E. Oulton, John Read, the Honorable William H. Steves, Richard C. Scovil, Joseph Salter, David Taylor, Jacob Trites the third, Alexander Wright, and Samuel S. Wilmot, their associates, successors, or assigns, be and they are hereby declared to be a body corporate, by the name of "The President, Directors, and Company of the Westmorland Bank," and they shall be persons able and capable in law to have, get, receive, take, possess, and enjoy houses, lands, tenements, hereditaments, and rents, in fee simple or otherwise, and also goods and chattels, and all other things real, personal, or mixt, and also to give, grant, let, or assign the same, or any part thereof, and to do and execute all other things in and about the same as they shall think necessary for the benefit and advantage of the said Corporation, and also that they be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of law and equity, or any other places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes, and matters whatsoever, in as full and ample a manner as any other person or persons are in law capable of suing and being sued, pleading and of being impleaded, answering and of being answered unto; and also that they shall have one common seal to serve for the ensealing all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreement, assignments, powers and warrants of attorney, and all and singular their affairs and things touching and concerning the said Corporation; and also that they, the said President, Directors, and Company, or the major part of them, shall from time to time and at all times have full power, authority, and licence to constitute, ordain, make, and establish such laws and ordinances as may be thought necessary for the good rule and government of the said Corporation, provided that such laws and ordinances be not contradictory or repugnant to the laws or statutes of that part of the United Kingdom of Great Britain and Ireland called England, or repugnant or contrary to the laws or statutes of this Province.

2. The capital stock of the said Corporation shall consist of current gold and silver coins of the Province to the amount of fifteen thousand pounds; the sum of seven thousand five hundred pounds, one half part thereof, to be paid in current gold and silver coins of the Province within one year from the passing of this Act, and the further sum of seven thousand five hundred pounds within two years from the passing of this Act; the whole amount of the said stock to be divided into shares of twenty five pounds each, making in the whole six hundred shares.

3. The said Corporation shall have full power and authority to take, receive, hold, possess, and enjoy, in fee simple, any lands, tenements, real estate, and rents, to any amount not exceeding two thousand pounds; provided nevertheless, that nothing herein contained shall prevent or restrain the said Corporation from taking or holding real estate to any amount whatsoever by mortgage, taken as collateral security for the payment of any sum or sums of money advanced by, or debts due to the Corporation; provided further, that the said Corporation shall on no account lend money upon mortgage, or upon lands or other fixed property, nor shall such be purchased by the said Corporation upon any pretext whatsoever, unless by way of additional security for debts contracted with the said Corporation in the course of its dealings.

4. Whenever three hundred shares of the said capital stock shall have been subscribed, a general meeting of the members and stockholders of the said Corporation, or the major part of them, shall take place, by notice in one or more of the public Newspapers published in this Province thirty days previous to such meeting, for the purpose of making, ordaining, and establishing such bye laws, ordinances, and regulations for the good management of the affairs of the said Corporation, as the members and stockholders of the said Corporation shall deem necessary, and also for the purpose of choosing five Directors, being stockholders and members of the said Corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which Directors so chosen shall serve until the first annual meeting for choice of Directors, and shall have full power and authority to manage the affairs of the said Corporation, and shall commence the operations of the said Bank,

subject nevertheless to the rules and regulations hereinafter made and provided ; at which general meeting the members and stockholders of the said Corporation, or the major part of them, shall determine the amount of payments to be made on each share, also the mode of transferring and disposing of the stock and profits thereof, which being entered on the books of the said Corporation, shall be binding on the said stockholders, their successors, and assigns.

5. There shall be a general meeting of the stockholders and members of the said Corporation, to be annually holden on the first Monday in June in each and every year, at Moncton, in said County, at which annual meeting there shall be chosen by a majority of the said stockholders and members of the said Corporation, five Directors, each of whom shall be resident in the County of Westmorland or Albert, and continue in office for one year, or until others are chosen in their room ; in the choice of which Directors, the stockholders and members of the said Corporation shall vote according to the rule hereinafter mentioned, and the Directors, when chosen, shall at their first meeting after their election, choose out of their number a President.

6. The Directors for the time being shall have power to appoint such officers, clerks, and servants as they, or the major part of them, shall think necessary for executing the business of the said Corporation, and shall allow them such compensation for their respective services as to them shall appear reasonable and proper, all which, together with the expense of buildings, house-rent, and all other contingencies, shall be defrayed out of the funds of the Corporation ; and the said Directors shall likewise exercise such other powers and authority for the well regulating the affairs of the said Corporation, as shall be prescribed by the bye laws and regulations of the same.

7. Not less than three Directors shall constitute a Board for the transaction of business, of which the President shall always be one, except in the case of sickness or necessary absence, in which case the Directors present may choose one of their board as Chairman in his stead ; the President shall vote at the board as a Director, and in case of their being an equal number of votes for and against any question before

them, the President shall have a casting vote ; provided always, that no note or bill offered for discount at the said Bank, shall be refused or excluded by a single vote.

8. No Director shall be entitled to any salary or emolument for his services, but the stockholders and members of the said Corporation may make such compensation to the President as to them shall appear reasonable and proper.

9. No person shall be eligible as a Director unless such person is a stockholder, and holding not less than ten shares of the capital stock of the said Corporation ; provided always, that the stockholder so otherwise qualified be not a Director in any other Banking Company in this Province.

10. Every Cashier and Clerk of the said Corporation, before he enters upon the duties of his office, shall give bonds, with two or more sureties, to be approved of by the Directors, that is to say, every Cashier in a sum not less than five thousand pounds, with a condition for his good and faithful behaviour, and every Clerk with the like conditions, and sureties in such sum as the Directors shall deem adequate to the trusts reposed in them.

11. The number of votes which each stockholder shall be entitled to on every occasion when in conformity to the provisions of this Act the votes of the stockholders are to be given, shall be in the following proportion, that is to say :—For one share and not more than four shares, one vote ; for every four shares above four and not exceeding twenty, one vote, making five votes for twenty shares ; for every eight shares above twenty, and not exceeding sixty, one vote, making ten votes for sixty shares ; which said number of ten votes shall be the greatest number that any stockholder shall be entitled to have.

12. All stockholders resident within this Province or elsewhere may vote by proxy, provided that such proxy be a stockholder, and do produce sufficient authority in writing from his constituent or constituents so to act, provided that no stockholder be entitled to hold more than three proxies.

13. No member of the said Corporation during the first three months, to be accounted from and after the passing of this Act, shall be entitled to hold and subscribe for more than forty shares of the said capital stock, and if the whole of the said capital stock shall not have been subscribed within the

said three months, so to be accounted as aforesaid, then and in such cases it shall be lawful for any stockholder or stockholders to increase his or their subscriptions to eighty shares; provided always, that no stockholder shall be permitted to hold more than one hundred shares in the whole, unless the same be acquired by purchase after the said Bank shall have commenced its operations; and provided also, that no stockholder in the said Bank at any one time shall hold more than twenty per cent. of the capital stock.

14. The Directors are and they are hereby authorized, to fill up any vacancy that shall be occasioned in the board by the death, resignation, or absence from the Province for three months, of any of its members, but that in the case of the removal of a Director by the stockholders for misconduct or mal-administration, his place shall be filled up by the said stockholders; and the person so chosen by the Directors or the stockholders shall serve until the next succeeding annual meeting of the stockholders.

15. Before any stockholder shall be required to make payment of any instalment upon the amount of his subscription, thirty days previous notice shall be given by the Directors in two of the Newspapers published in this Province, of the time and place of payment; and the Directors shall commence with the business and operations of the Bank of the said Corporation; provided always, that no bank bill or bank notes shall be issued or put in circulation, nor any bill or note be discounted at the said Bank, until the said sum of seven thousand five hundred pounds shall be actually paid in and received on account of the subscriptions to the capital stock of the said Bank.

16. As soon as the sum of seven thousand five hundred pounds shall have been paid in current gold and silver coins, and shall then be in the vaults of the said Bank, the President shall give notice thereof to the Secretary of the Province, for the information of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, who is hereby authorized, by and with the advice of Her Majesty's Executive Council, to appoint three Commissioners, not being stockholders, whose duty it shall be to examine and count the money actually in the vaults, and to ascertain by the oaths of the majority of the Directors, that half the amount of its capital

hath been paid in by the stockholders towards payment of their respective shares, and not for any other purpose, and that it is intended to have it there remain as part of the capital stock of the said Bank, which investigation is hereby declared indispensable, and shall be made at the periods prescribed by the second Section of this Act, when paying in the capital stock of the said Bank.

17. The shares or capital stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf; but no assignment or transfer shall be valid or efficient, unless such assignment or transfer shall be entered and registered in a book to be kept by the Directors for that purpose, nor until such person or persons so making the same shall previously discharge all debts actually due and payable to the said Corporation; in no case shall any fractional part of a share or other than a complete share or shares be assignable or transferable; and whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Bank to any other person or persons whatever, such stockholder shall cease to be a member of the said Corporation.

18. The said Company shall not directly or indirectly deal in any thing excepting bills of exchange, gold or silver, bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or in the sale of stock pledged for money lent and not so redeemed, which said goods and stock so pledged shall be sold by the said Corporation at public sale, at any time not less than thirty days after the period for redemption, and if upon such sale of goods or stock there shall be a surplus, after deducting the money lent together with the expenses of sale, such surplus shall be paid to the proprietors thereof respectively.

19. The holders of the stock of the said Bank shall be chargeable in their private and individual capacity, and shall be holden for the payment and redemption of all bills which may have been issued by the said Corporation, and also for the payment of all debts at any time due from the said Corporation, in proportion to the stock they respectively hold; provided however, that in no case shall any one stockholder be liable to pay a sum exceeding the amount of stock actually then held by him; provided nevertheless, that nothing previously con-

tained shall be construed to exempt the joint stock of the said Corporation from being also liable for and chargeable with the debts and engagements of the same.

20. Every bond, bank bill, or bank note, or other instrument, by the terms or effect of which the said Corporation may be charged, or held liable for the payment of money, shall specially declare in such form as the Board of Directors shall prescribe, that payment shall be made out of the joint funds of the said Corporation; provided nevertheless, that nothin herein contained shall be construed to alter, change, or diminish the responsibilities and liabilities imposed on stockholders in their individual capacities by the nineteenth Section of this Act.

21. The total amount of the debts (deposits excepted) which the said Corporation shall at any time owe, whether by bond, bill, or note, or other contract whatsoever, shall not exceed twice the amount of the capital stock actually paid in by the stockholders, and in case of any excess, the Directors under whose administration and management the same shall happen, shall be liable for such excess in their individual and private capacities; provided always, that the lands, tenements, goods, and chattels of the said Corporation, shall also be liable for such excess.

22. The Directors shall make half-yearly dividends of all profits, rents, premiums, and interest of the said Corporation, payable at such time and place as the Directors shall appoint, of which they shall give thirty days notice in two Newspapers published in this Province.

23. The books, papers, correspondence, and funds of the said Corporation, shall at all times be subject to the inspection of the Directors; but no stockholder not a Director shall inspect the account of any individual with the said Corporation.

24. All the bills or notes issued by the said Corporation shall be signed by the President for the time being, and countersigned and attested by the Cashier, and shall be printed and made in steel plates; and all bills and notes so signed and countersigned, shall be binding on the said Corporation, and payable in specie at the said Bank, provided no note shall be issued by the said Corporation for a less sum than five shillings.

25. The said Corporation shall be liable to pay to any bona fide holder, the original amount of any note of the said Bank

which shall have been counterfeited or altered in course of its circulation to a larger amount, notwithstanding such alteration.

26. The said Bank shall be kept and established in the Parish of Moncton, and County of Westmorland, or at such other place as the Board of Directors may think it necessary to remove the said Bank on account of any great emergency, for the security thereof.

27. The Directors shall, at the general meeting to be held on the first Monday in June in every year, lay before the stockholders for their information, an exact and particular statement of the amount of debts due to and by the said Corporation, the amount of bank notes then in circulation, the amount of gold and silver in hand, and the amount of such debts as are, in their opinion, bad or doubtful, also the surplus or profit (if any) remaining after deduction of losses and provisions for dividends ; which statement shall be signed by the Directors and attested by the Cashier ; and a duplicate statement so signed and attested, shall be transmitted to the Secretary of the Province, for the information of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, and the Legislature ; provided always, that the rendering of such statement shall not extend to give any right to the stockholders, not being Directors, to inspect the account of any individual or individuals with the said Corporation.

28. No loan shall be made by the said Bank on the pledge of its own stock.

29. Any joint Committee hereafter to be appointed by the Honorable the Legislative Council and the House of Assembly, for the purpose of examining into the proceedings of the said Corporation, shall either during the Session or prorogation of the General Assembly, have free access to all the books and vaults of the same.

30. Any number of stockholders not less than twelve, who together shall be proprietors of three hundred shares, shall have power at any time by themselves or their proxies, to call a general meeting of the stockholders for purposes relating to the business of the said Corporation, giving at least thirty days previous notice in two Newspapers published in the Province, and specifying in such notice the time and place of such meet-

ing, with the objects thereof; and the Directors, or any three of them, shall have the like power, at any time, upon observing the like formalities, to call a general meeting as aforesaid.

31. On any dissolution of the said Corporation, immediate and effectual measures shall be taken by the Directors then in office, for closing all the concerns of the said Corporation, and for dividing the capital and profits which may remain among the stockholders, in proportion to their respective interests; and in case any bills issued by the said Corporation shall remain unpaid, the holders of stock in the said Corporation as well as those who were stockholders at the time of the notice of the said dissolution, which said notice shall take place by a publication of their intention so to do in the Royal Gazette twelve months previous to the said Corporation being allowed to carry the same into effect, shall be chargeable in their private and individual capacity for the payment and redemption thereof, in proportion to the stock they respectively held or hold, subject however to the proviso mentioned in the nineteenth Section of this Act; provided however, that this liability shall continue for two years only from and after the notice of such dissolution.

32. The aggregate of all the debts due to the said Bank from the Directors thereof, as principals, endorsers, or sureties, shall not at any one time exceed twenty per centum of the capital stock.

33. The Cashier of the said Bank shall semi-annually, that is to say, on the first Monday in January and the first Monday in July in each and every year, make a return in triplicate of the state of the said Bank as it existed at three of the clock in the afternoon of the said days respectively, and shall forthwith transmit the same to the Office of the Secretary of the Province; which return shall specify the amount due from the Bank, designating in distinct columns the several particulars included therein; and shall also specify the resources of the said Bank, designating in distinct columns the several particulars included therein; and the said return shall be made in the following form:—

FORM OF RETURN.

State of the Westmorland Bank on the day of 18*,*
3 o'clock P. M.

DUE FROM BANK.

Bills in circulation,	
Net profits on hand,	
Balance due to other Banks,	
Cash deposited, including all sums whatever due from the Bank not bearing interest, its bills in circulation, profits, and balances due to other banks excepted,	
Cash deposited bearing interest,	
Total amount due from the Bank,	

RESOURCES OF BANK.

Gold, silver, and other coined metals in its banking house,
Real estate,
Bills of other Banks incorporated in this Province,
Balances due from other Banks,
Amount of all debts due, including notes, bills of exchange,
and all stock and funded debts of every description,
except the balances due from other Banks,
Total amount of the resources of the Bank,
Date and amount of the last dividend, and when declared,
Amount of reserved profits at the time of declaring the last
dividend,
Amount of debts due and not paid, and considered
doubtful,

Which return shall be signed by the Cashier of said Bank, who shall make oath or affirmation before some Magistrate qualified to administer oaths, to the truth of said return according to the best of his knowledge and belief; and the Cashier of the said Bank shall also make return under oath, whenever required by the Legislature, of the names of the stockholders, and the amount of stock owned by each; and a majority of the Directors of said Bank shall certify and make oath or affirmation before the same Magistrate as the said Cashier, that the books of the said Bank indicate the state of facts so returned by their Cashier, and that they have full

confidence in the truth of the return so made by him ; and it shall be the duty of the Secretary of the Province annually to lay before the Legislature of this Province, as soon after the opening of any Session thereof as practicable, one of such respective returns as he may have received since the then last previous Session.

34. The Cashier or acting Cashier for the time being, shall on each and every discount day furnish a true list to the President or Chairman of the said Bank, of all delinquent promisers, endorsers, and sureties, made up to three o'clock on the day preceding the discount day, which list shall be called a delinquent sheet ; and it shall be the duty of the President or Chairman on each and every discount day as aforesaid, to read the name or names contained in such delinquent sheet to the Board of Directors ; and in case the name of any Director shall appear in such delinquent sheet either as promiser, endorser, or surety, it is hereby declared illegal for such Director to sit at the board or take any part in the management of the affairs of the said Bank during the continuance of such delinquency.

35. In the event of any Director continuing a delinquent as aforesaid for ninety consecutive days at any one time, such continued delinquency shall disqualify such Director from holding his seat ; and it shall be the duty of the President and other Directors forthwith to proceed in filling up the vacancy in the manner prescribed in the fourteenth Section of this Act, as in the case of death or absence from the Province.

36. No action shall be brought or maintained upon any bank bill or bank note which shall be issued by the said Corporation, before such bill or note shall have been presented at the Bank for payment, and default in payment shall thereupon take place.

37. All and every the shares in the capital stock of the said Bank, and all the profits and advantages of such shares respectively, shall be deemed and considered to be of the nature of and shall be personal estate, and transmissible as such accordingly.

38. The shares in the capital stock of the said Bank shall be liable to be seized and taken in execution and sold in like manner with other personal property ; provided always, that

the Sheriff or other officer executing such execution, shall leave a copy of such execution, certified by the Sheriff or his deputy, with the Cashier of the said Bank; and the shares in the capital stock of the said Bank so liable to such execution, shall be deemed to be seized in execution when such copy is so left, and the sale shall be made within thirty days after such seizure; and on production of a bill of sale from the Sheriff, the Cashier of the said Bank shall transfer the number of shares sold under such execution to the purchaser or purchasers thereof, and such transfer shall be valid and effectual, notwithstanding there may be any debt due to the said Bank from the person or persons whose shares may be seized and sold; provided also, that the said Cashier shall, upon the exhibiting to him of such certified copy of the execution, be bound to give to such Sheriff or other officer a certificate of the number of shares in the said capital stock held by the judgment debtor named in such execution, and the shares of such judgment debtor in the said capital stock shall be bound by such execution only from the time when such copy of the execution shall be so left with the Cashier.

39. And in case it should hereafter be found necessary at any time after the payment in and certificate of such first mentioned capital, and within seven years from the time of passing this Act, to increase the capital stock of the said Bank, the same may be effected by resolution of the Directors, or the major part of them for the time being, sanctioned and approved of by a majority of the votes of the shareholders present in person or by proxy, at a general meeting convened after special notice of the same and its intended object, such additional capital stock may be raised by the issue of additional shares severally of the value before mentioned; provided that the whole of such additional stock shall not exceed fifteen thousand pounds, thereby making the utmost amount of capital stock of the said Bank thirty thousand pounds, and in the whole twelve hundred shares.

40. Such additional shares shall be sold at public auction in separate lots of four shares each, as follows, that is to say:—Five thousand pounds, making two hundred shares, at such time as the Directors shall appoint, and the residue of such increased additional capital at such times as the Directors may from time

to time determine, but not less than five thousand pounds to be sold at any one time.

41. The said Directors shall give at least forty days notice of the time of sale of any such increased stock in some Newspaper published in this Province, in which notice shall be specified the time when such additional stock, with the advance or premium thereon, will be required to be paid into the said Bank.

42. The whole of such advance or premium, (if any) first deducting the charges of sale, shall be divided in equal proportions among the shares in the stock of such Bank, as well the old as the new stock, and such dividend of the said premium shall be declared and paid by the Directors immediately after the payment into the Bank of the purchase money of the said additional shares; and banking operations may take place upon each respective amount of such additional stock sold as aforesaid, when the Directors, or a majority of them, together with the Cashier of the said Bank, shall have signed and verified by oath, and filed in the Office of the Secretary of the Province, a certificate that such amount of capital stock at any time called in has actually been paid into the said Bank in current gold and silver coins of the Province, and not before.

43. The said additional shares shall be subject to all the rules, regulations, and provisions to which the original stock is subject or may hereafter be subject by any law of this Province.

44. This Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and seventy five.

17th VICTORIA—CHAPTER 12.

An Act for the farther increase of the Capital Stock of the Bank of New Brunswick.

Section.

1. Capital, authority to increase.
2. Additional shares to be sold.
3. Periods of payment.
4. On failure, shares to be re-sold.
5. Additional shares to be subject to rules.

Section.

6. Cashier may appoint a deputy to attest Bills.
7. Notice of appointment to be given.
8. Acts, except as altered, to remain in force.

Passed 20th March 1854.

WHEREAS it is expedient further to increase the Capital Stock of the Bank of New Brunswick ;—

Be it therefore enacted, &c.—1. The stockholders of the said Bank are hereby authorized and empowered from time to time hereafter, at any general meeting or meetings for that purpose to be called, to increase the capital stock of the said Bank by such amounts not less at one time than twenty five thousand pounds, nor more in all than one hundred thousand pounds, in addition to the present capital, as they, by a majority of votes taken at such meeting or meetings, may deem expedient; which additional stock shall be divided into shares of fifty pounds each, and shall be sold in the manner hereinafter provided, and the amount so sold from time to time, in addition to the present capital, shall be the capital stock of the said Bank; provided always, that no sale of such additional stock shall be made after the expiration of five years from the passing of this Act.

2. The additional shares shall be sold and disposed of at public auction to the highest bidder, at such times and places as the stockholders of the said Bank, by a majority of votes at such general meeting or meetings aforesaid, shall appoint, thirty days notice of such sales respectively being first given in at least three public Newspapers published in this Province.

3. Ten per cent. of the additional shares which may be sold from time to time as aforesaid, with the advance or premium thereon, if any, shall be paid by the purchasers at the times of such sales respectively, and the remainder thereof shall be paid into the said Bank within one month after the sale thereof, and the whole of such advance or premium, if any, shall be carried to account of and deemed to be a portion of the profits of the Bank; and banking operations may take place upon each respective amount of such additional stock so called in, when the Directors of the said Bank, or a majority of them, together with the Cashier of the said Bank, shall have signed and verified by oath, and filed in the Office of the Secretary of the Province, a certificate that such amount of capital stock at any time called in, has actually been paid into the said Bank in current gold and silver coins of the Province, and not before.

4. In case of default of payment of any of the said shares, and of the advance or premium at which they may have been sold, such shares and premium, together with the said instalment of ten per cent. so paid in on such shares, shall be for-

feited ; and it shall and may be lawful for the Directors of the said Bank for the time being, forthwith to sell and dispose of the said shares so forfeited at their discretion, either by public auction or private sale, and any advance or premium thereon shall be carried to account in the manner before mentioned.

5. The additional shares in the capital or stock created by this Act, shall be subject to all the rules, regulations, bye laws, and provisions to which the present stock is subject or may hereafter be subject by any law of this Province.

6. In order to facilitate the business of the said Bank, it shall be lawful for the Cashier from time to time hereafter, by and with the consent of the Directors, or a majority of them, to nominate and appoint a deputy or assistant for the purpose of countersigning and attesting the bills or notes to be issued by the said Bank ; and all bills or notes countersigned and attested by the person so appointed, shall be equally binding on the Corporation of the said Bank as if the same were duly countersigned and attested by the Cashier in person.

7. So often as such Cashier, by and with the consent aforesaid, shall nominate and appoint such deputy or assistant for the purposes contained in the preceding Section, it shall be the duty of the said Directors, and they are hereby required to transmit to the Office of the Provincial Secretary, a copy of the minutes or resolution of the said board making and sanctioning such appointment, under the seal of the Corporation of the said Bank, notice of which shall be inserted for three successive weeks in the Royal Gazette for the information of the public.

8. The Act incorporating the said Bank, and the several Acts subsequently made relating thereto, except as altered or amended by this or any previous Act, or as the same may hereafter be altered or amended, and also the provisions of this Act, shall further continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and eighty.

17th VICTORIA—CHAPTER 54.

An Act in further amendment of and addition to an Act intituled *An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Central Bank of New Brunswick.*

Section.

1. Capital stock, how increased.
2. Increased stock, how disposed of.
3. Premiums, what to be deemed.

Section.

4. Operations on increased stock, when to commence.
5. Directors' residence.
6. Extent of real estate.

Passed 1st May 1854.

Be it enacted, &c.—1. The stockholders of the said Bank may, by a majority of votes, at any general or special meeting or meetings to be called for that purpose, increase the capital stock of the Bank from time to time to the extent in the whole of one hundred thousand pounds, such additional stock to be divided into shares of twenty five pounds each, and to be subject to all the rules, regulations, provisions, and conditions applicable to the present capital stock; provided that at no one of such meetings shall the additional stock exceed the sum of twenty thousand pounds.

2. The Directors shall in their discretion offer the increased stock at public auction, in the manner, at the times, and subject to such conditions as they may think fit; provided that they may in a like discretion, and in the mode to be determined upon by the board, appropriate and set apart the sum of five thousand pounds of such additional stock at each new creation, to fixed residents of the County in which an agency of the said Bank is now or may be hereafter established, or of the adjoining County, either at par or at such moderate premium as the Directors may deem fair and equitable; provided also, that no one person shall be allowed to take as last afore-said more than five hundred pounds of such additional stock, and that the same must be paid up within thirty days, agreeably to a notice to be published in any two Papers of this Province by the Directors.

3. The advance or premium, if any, arising from the sale or disposal of the additional stock, after deduction of necessary expenses, shall be deemed to be a portion of the profits of the Bank.

4. Banking operations shall not take place upon any additional stock so created, until the Directors or a majority of

them, together with the Cashier of the said Bank, have signed, verified under oath, and filed in the Provincial Secretary's Office, a certificate that the amount of additional stock at any time called in, has been paid into the Bank in gold and silver coins current in the Province.

5. Six only of the nine Directors of the said Bank shall necessarily be resident in the County of York, and the whole number shall at all times be re-eligible to office as Directors.

6. The amount of real estate which may be held by the said Bank in fee simple, is hereby extended to the sum of five thousand pounds, provided the same be required and used for the purpose of Bank establishments only.

WATER COMPANIES.

2nd WILLIAM 4th—CHAPTER 26.

An Act to incorporate sundry persons by the name of The Saint John Water Company.

Section.

1. Incorporation of Company.
2. Capital.
3. General meeting, when to be called.
4. Directors, when chosen.
5. Officers, how appointed, &c.
6. Board of Directors.
7. Directors not to have a salary; exception.
8. Qualification of.
9. Scale of votes.
10. Who to vote, &c.

Section.

11. Number of shares first to be held.
12. Directors, vacancies among, how filled.
13. Shares assignable, &c.
14. Dividends.
15. Private property, how may be used.
16. Roads, &c., how may be used.
17. When Mayor, &c., may interfere.
18. Vents, &c., by whom to be made.
19. When Mayor, &c., may take whole stock, &c.

Passed 9th March 1832.

WHEREAS it is thought the establishment of a Water Company in the City of Saint John would promote the interest and convenience of the inhabitants of the City of Saint John, by increasing and facilitating the means of procuring water therein;—

Be it enacted, &c.—1. The Honorable William Black, Nehemiah Meritt, James White, John Ward, George D. Robinson, Thomas Barlow, Hugh Johnston, John M. Wilmot, James Hendrick, Thomas Millidge, Robert W. Crookshank, Zalmon Wheeler, Robert Parker, William B. Kinnear, Richard Sands, Lauchlan Donaldson, Charles Simonds, James T. Hanford, William Leavitt, and Noah Disbrow, their associates, successors, and assigns, be and they are hereby declared to be a body corporate, by the name of “The Saint John Water Company;” and they shall be persons able and capable in law to have, get, receive, take, possess, and enjoy houses, lands, tenements, hereditaments, and rents, in fee simple or otherwise, and also goods and chattels, and all other things real, personal, or mixed, and also to give, grant, let, or assign the same or any part thereof, and to do and execute all other things in and about the same as they shall think necessary for the benefit and advantage of the said Corporation; and also that they be persons able, in law capable, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any Court or Courts of law or equity, or other places whatsoever, in all and all manner of actions, suits,

complaints, demands, pleas, causes, and matters whatsoever, in as full and ample a manner as any other person or persons are in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto; and also that they shall have one common seal to serve for the ensealing of all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreements, assignments, powers, warrants of attorney, and all and singular their affairs and things touching and concerning the said Corporation; and also that the said Company, or the major part of them, shall from time to time and all times, have full power, authority, and licence to constitute, ordain, make, and establish such laws and ordinances as may be thought necessary for the good rule and government of the said Corporation; provided that such laws and ordinances be not contradictory or repugnant to the laws or statutes of that part of the United Kingdom of Great Britain and Ireland called England, or repugnant or contrary to the laws and statutes of this Province.

2. The capital or stock of the said Corporation shall consist of [the words here omitted are repealed by 2 V. c. 33, s. 1.] the amount of twenty thousand pounds; five per cent. of which to be paid [the words here omitted are repealed by 2 V. c. 33, s. 1.] within twelve months after the passing of this Act, and the residue thereof as may be required by the President and Directors of the said Company for the service thereof, a month's notice being by them previously given in two of the public Newspapers of the said City of Saint John, that the residue, or any part thereof, will be required; the whole amount of the said stock to be divided into shares of five pounds each, making in the whole four thousand shares.

3. Whenever one thousand shares have been subscribed, a general meeting of members and stockholders, or the major part of them, shall take place by notice in one or more public Newspapers of the City of Saint John, thirty days previous to such meeting, for the purpose of making, ordaining, and establishing such bye-laws, ordinances, and regulations for the good management of the affairs of the Corporation as they shall deem necessary, and for the purpose of choosing thirteen Directors, being stockholders and members of the Corporation, under and in pursuance of the rules and regulations hereinafter

made and provided ; which Directors so chosen shall serve until the first annual meeting for choice of Directors, and shall have full power and authority to manage the concerns of the said Corporation, and shall commence the operations of the said Company, subject nevertheless to the rules and regulations hereinafter made and provided.

4. There shall be a general meeting of the stockholders and members of the said Corporation, to be annually holden on the second Tuesday in May in each and every year, at the City of Saint John ; at which annual meeting there shall be chosen, by a majority thereof, thirteen Directors who shall continue in office for one year, or until others are chosen in their room ; in the choice of which the stockholders and members of the said Corporation shall vote according to the rules hereinafter mentioned ; and the Directors, when chosen shall, at their first meeting after their election, choose out of their number a President ; provided always, that seven of the Directors in office shall be re-elected at such annual meeting, for the next succeeding twelve months, of which the President shall always be one.

5. The Directors for the time being shall have power to appoint such officers, clerks, and servants, as they or the major part of them shall think necessary for executing the business of the said Corporation, and shall allow them such compensation for their respective services as to them shall appear reasonable and proper ; all which, together with the expenses for building reservoirs, conductors, pipes, and all other contingencies, shall be defrayed out of the funds of the Corporation ; and the said Directors shall likewise exercise such other powers and authorities for the well regulating the affairs of the said Corporation, as shall be prescribed by the bye laws and regulations of the same.

6. Not less than seven Directors shall constitute a board for the transaction of business, of which the President shall always be one, excepting in cases of sickness or necessary absence, in which case the Directors present may choose one of their board as Chairman in his stead ; the President shall vote at the board as a Director, and in case of there being an equal number of votes for and against any question before them, the President or Chairman shall have a casting vote.

7. No Director shall be entitled to any salary or emolument for his services ; but the stockholders and members of the said Corporation may make such compensation to the President as to them shall appear reasonable and proper.

8. No person shall be eligible as a Director unless such person is a stockholder, and holding not less than twenty shares of the capital or stock of the said Corporation.

9. The number of votes to which each proprietor of shares in the said Corporation, holding one or more shares in the said Company, shall be entitled on every occasion when in conformity with the provisions of this Act the votes of the members of the said Corporation shall be given, shall be in the proportion following, that is to say :—For one share and not more than two, one vote ; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares ; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares ; for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares ; for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares ; for every ten shares above one hundred shares and not exceeding one hundred and fifty, one vote, making twenty five votes for one hundred and fifty shares ; but no person or persons, copartnership, body politic or corporate, being a member or members of the said Company, shall be entitled to a greater number than twenty five votes.

10. All stockholders resident within this Province or elsewhere may vote by proxy, provided such proxy be a stockholder, and do produce sufficient authority from his constituent or constituents so to act.

11. No member or corporate body during the first twelve months, to be accounted from and after the passing of this Act, shall be entitled to hold or subscribe for more than fifty shares of the said capital or stock, except the Corporation of the City of Saint John, who shall be allowed to take up the whole or any part thereof, if demanded within one calendar month after the passing of this Act ; and no person or persons, body politic or corporate, shall, until the expiration of one calendar month from the passing of this Act, be allowed to take or subscribe for any shares of the said capital or stock,

unless the said Corporation of the said City of Saint John shall have sooner taken up the number of shares intended to be taken by the same Corporation, or declared its option not to take any.

12. The Directors be and they are hereby authorized to fill up any vacancy that shall be occasioned in the board by the death, resignation, or absence from the Province for three months of any of its members ; but in the case of the removal of a Director by the stockholders for misconduct or mal-administration, his place shall be filled up by the said stockholders ; and the person so chosen by the Directors or stockholders shall serve until the next succeeding annual meeting of the stockholders.

13. The shares of the capital or stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf ; but no assignment or transfer shall be valid or effectual, unless such assignment or transfer shall be entered and registered in a book to be kept by the Directors for that purpose, nor until such person or persons so making the same, shall previously discharge all debts actually due and payable by him to the said Corporation ; in no case shall any fractional part of a share, or other than a complete share or shares, be assignable or transferable ; whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company to any other person or persons whatsoever, such stockholder shall cease to be a member of the said Corporation.

14. The Directors shall make half-yearly or yearly dividends, as may to them appear most proper, of all the profits, rents, premiums, and interest of the said Corporation, payable at such time and place as the Directors shall appoint, of which they shall give thirty days previous notice in two of the Newspapers published in the City of Saint John.

15. The said Corporation shall have full power and authority to draw water from, erect reservoirs on, and to carry pipes or conductors through (when such shall be deemed absolutely necessary for the conveyance of water to the City by the said Corporation) the private property of individuals whose lands may lie at the source, or in the line the said Corporation shall think it expedient to convey the water from, or through which

it may be necessary to carry such pipes or conductors, or erect such reservoirs ; provided always, that no such water be drawn, reservoirs erected, or pipes or conductors carried from, upon, or through the private property of any person, without a reasonable and proper compensation being allowed and paid for the use and convenience of the same, and for any damage sustained by the operations of the said Corporation, to be agreed upon by the said Corporation and the respective owners of such private property ; and in case of disagreement between the said Corporation and the said owners, or any of them, then such compensation shall be determined by three arbitrators, one to be chosen by the said Corporation, and one by the owner or owners of the private property in question, which two arbitrators so chosen shall choose the third arbitrator, and in case of their not agreeing in such choice within ten days after their appointment, then and in such case it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, upon application of the said Corporation, to appoint the third arbitrator, and the award of the said arbitrators, or any two of them, shall be final and conclusive in the matters referred to them ; and in case any of the said owners of such private property shall decline making any such agreement, or appointing such arbitrator, then and in every such case, the said Corporation may make application to the Supreme Court of this Province, (stating the grounds of such application) and such Court is hereby empowered and required from time to time, upon such application, to issue a writ or warrant directed to the Sheriff of the City and County of Saint John, or in case of his being a party interested, then to the Coroner of the said City and County, and in case of the said Sheriff and Coroner being both interested, then to some person or persons who may be disinterested, commanding such Sheriff, Coroner, person, or persons, as the case may be, to summon and empanel a Jury of twelve freeholders within the said City and County who may be altogether disinterested, which Jury upon their oaths (all which oaths, as well as the oaths to be taken by any person or persons who shall be called upon to give evidence, the officer or person or persons summoning such Jury is hereby empowered to administer) inquire of, assess, and ascertain the distinct sum or sums of money, or annual

rent to be paid for the use and convenience of such private property, or the indemnification to be made for the damage that may or shall be sustained as aforesaid; and the inquisition, award, or verdict of such Jury, shall be returned and filed in the office of the Clerk of the Pleas in the said Supreme Court, and shall be final and conclusive between the parties; and the costs and expenses of these proceedings, to be taxed and allowed by the said Supreme Court, shall be borne by the said Corporation.

16. It shall and may be lawful for the said Company, at a proper and convenient depth under the surface of each and every of the roads and streets leading into and through the said City and its vicinity, to lay down, set, and place such and so many pipes, leaders, and conduits for the said water as they shall find to be necessary for conveying it to any or every dwelling house in the said City or its vicinity, and from time to time, as often as the said Company shall think proper, to lay down such pipes, leaders, and conduits, or shall have occasion to alter, amend, or repair the same, it shall also be lawful for the said Company to break up and open any part whatsoever of the said roads and streets, or of the covering, pavement, or side walks thereof, and the same to keep open and uncovered during the time necessary for the said purposes; provided always, that before the said Company shall break up or open any such road or street, they shall give previous notice of their intention so to do to the Mayor, Aldermen, and Commonalty of the said City, and shall receive their permission in writing therefor, and not otherwise; and provided also, that the said Company shall and do, at their own proper costs and charges, and to the satisfaction of the said Mayor, Aldermen, and Commonalty, and without unnecessary delay, repair and amend the said roads and streets in every part where they shall be so broken up and opened as aforesaid, and restore the covering, pavement, and side walks thereof respectively, to the condition in which they were before breaking up or opening the same.

17. If the said Company shall not repair the said roads or streets, or any of them, so broken up, to the satisfaction of the said Mayor, Aldermen, and Commonalty, it shall be lawful for the said Mayor, Aldermen, and Commonalty to cause the same to be repaired, and to sue for and recover the expense

incurred therein from the said Company in the Supreme Court of the Province, or in case the sum demanded shall not exceed five pounds, then before any Justice of the Peace for the said City and County not being an Alderman of the said City ; such Justice to proceed in the manner directed in the Act for the more easy and speedy recovery of small debts.

18. The said Company do and shall, in every street or road through which the said pipes shall be laid, make and provide proper vents and openings for supplying water whenever fires shall happen in the said City or the vicinity thereof, and do and shall make such vents and openings in such places, and at such distances from each other, as the Mayor, Aldermen, and Commonalty of the said City, in Common Council convened, shall from time to time direct and appoint, under penalty of forfeiting the privileges and immunities granted in and by this Act ; provided always, that the said Mayor, Aldermen, and Commonalty shall pay any additional expense that may be incurred by the making and maintaining of such vents and openings for supplying water in cases of fire.

19. In case the Mayor, Aldermen, and Commonalty of the said City of Saint John shall take up and subscribe for the whole of the said capital or stock within one calendar month after the passing of this Act, as provided for in the eleventh Section of this Act, then and in such case the establishment of the said Corporation by the name of " The Saint John Water Company " shall not take effect, and all the provisions hereinbefore contained relating to the establishment, constitution, and regulation of the said Company shall be void and of no effect ; and then and in such case also the said Mayor, Aldermen, and Commonalty of the City of Saint John shall have and exercise all the powers, privileges, and authorities, and be subject to all the regulations and provisions in the fifteenth, sixteenth, seventeenth, and eighteenth Sections of this Act mentioned and contained, so far as the same may be applicable to the said Mayor, Aldermen, and Commonalty ; and then and in such case also it shall be the duty of the said Mayor, Aldermen, and Commonalty, and they are hereby required forthwith to proceed to carry into effect the intention of this Act, by supplying the said City and its vicinity with water in the manner herein contemplated.

4th WILLIAM 4th—CHAPTER 40.

An Act to revive and amend an Act to incorporate sundry persons by the name of The Saint John Water Company.

Section.

1. What Act in force, &c.
2. Banking not permitted by Company.

Section.

3. Time for paying first instalment enlarged.

Passed 22nd March 1834.

Be it enacted, &c.—1. An Act made and passed in the second year of His present Majesty's Reign, intituled *An Act to incorporate sundry persons by the name of the Saint John Water Company*, be and the same is hereby declared to be in full force and effect, except as hereby altered and amended.

2. The said Company or Corporation shall not directly or indirectly deal or trade in buying or selling gold and silver coins, or bullion, or bills of exchange, or other negotiable instruments, or any goods, wares, merchandise, or commodities whatsoever, or deal in the lending of money, or in bills of exchange, or other negotiable instruments, by way of discount or otherwise, engage in any banking operations whatsoever.

3. The time for paying in five per cent. of the capital stock of the said Company, shall be and the same is hereby extended to two years after the passing of this Act instead of twelve months, as required by the second Section of the said Act.

2nd VICTORIA—CHAPTER 33.

An Act to explain and amend an Act intituled *An Act to incorporate sundry persons by the name of the Saint John Water Company*,

Section.

1. Part of what Section of what Act repealed.
2. Stock paid in declared valid.
3. Proceedings of Corporation, what deemed legal.

Section.

4. Shares, when forfeited.
5. Bye laws, by whom made.
6. When stockholder not required to answer calls.

Passed 23rd March 1839.

WHEREAS by an Act made and passed in the second year of the Reign of His late Majesty King William the Fourth, intituled *An Act to incorporate sundry persons by the name of the Saint John Water Company*, and by a certain other Act made and passed in the fourth year of the same Reign, intituled *An Act to revive and amend an Act to incorporate sundry*

persons by the name of the Saint John Water Company, authority was given to establish the said Company agreeably to the several provisions of the said Acts, and the same has been established and is now in full operation, but doubts are entertained whether some of the terms of the said Acts have been strictly complied with, and thereby the permanence of this useful undertaking may be greatly endangered; for remedy whereof,—

Be it therefore enacted, &c.—1. So much of the second Section of the said first mentioned Act as declares that the capital stock of the said Corporation shall consist of current gold and silver coins of the Province, and as requires the five per cent. thereof to be paid in current gold and silver coins of the Province, be and the same is hereby repealed.

2. Such part of the said capital stock as has been actually and *bona fide* paid in to the satisfaction of the President and Directors of the said Company for the time being, by any stockholder, as a per centage upon, or part payment of his share or shares in the said capital stock, whether the same was paid in gold and silver coins or otherwise, shall be deemed and adjudged and is hereby declared to be a good and sufficient payment of such part of such capital stock, according to the true intent and meaning of the said Acts.

3. It is hereby declared, that no part of the proceedings of any President and Directors of the said Company, or of any meeting of the stockholders thereof, since the passing of the said Acts, shall be deemed and adjudged as illegal, unauthorized, or contrary to the intent and meaning of the said Acts, or either of them, by reason of any irregularity that may have arisen in the first general meeting of the stockholders of the said Company, or in the election of the first Directors of the said Company, or in the election of the first President of the said Company, or by reason of the said stockholders not having heretofore made any bye laws, ordinances, and regulations for the good management of the affairs of the said Corporation, or by reason of such part of the stock that has been paid not having been paid in gold and silver coins; and that all proceedings heretofore had and done, and all transfers of shares in the said capital stock of the said Company under the said Act heretofore made and done in pursuance of and according to

any regulations made by any President and Directors of the said Company for the time being, since the first meeting of the stockholders, and since the election of the first Directors of the said Company, shall be deemed and are hereby declared as good and valid to all intents and purposes as if the said first meeting of the said stockholders, and the election of the first Directors and President of the said Company, had been in all respects strictly according to the directions of the said Acts, and as if bye laws had been made by the stockholders for the regulation and management of the affairs of the said Corporation in pursuance of the power vested in them for that purpose.

4. In any case where default has been made before the passing of this Act in payment of any part of the residue of the capital stock of the said Company, which has been heretofore by the President and Directors for the time being of the said Company required to be paid, and which remains still unpaid at the time of passing this Act, every share upon which such default shall have been so made, shall stand and become absolutely forfeited to the said Corporation, unless the amount so required to be paid thereon shall be fully paid and satisfied to the President and Directors of the said Company for the time being, within two months after the passing of this Act, or within such further time as the said President and Directors of the said Company for the time being, or the major part of them, may consent to give for the payment thereof; and in case of such forfeiture, the said President and Directors of the said Company for the time being, or the major part of them, shall at any time within one month after such forfeiture, have full power and authority, if they see fit, to proceed to sell every such share so forfeited, at auction, first giving one month's notice in two or more of the public Newspapers in the said Province of such sale, and the proceeds thereof to be applied to the service and use of the said Company.

5. It shall and may be lawful for the President and Directors for the time being, or the major part of them, from time to time, when they or the major part of them see fit, to call a general meeting of the stockholders of the said Company, by giving one month's notice of the time or place of such meeting in two or more of the public Newspapers published in Saint

John ; and at such general meeting so called, and also at any annual meeting of the said stockholders held pursuant to the provisions of the said Acts, it shall be lawful for the said stockholders of the said Company, or the major part of them then present, and they are hereby authorized and empowered, to make all such bye laws, ordinances, and regulations for the good management of the affairs of the said Corporation, as they are authorized and empowered to make by the first Section of the said first mentioned Act, and also in like manner, from time to time, to alter, annul, add to, or amend the same ; and in such bye laws, ordinances, and regulations, the said stockholders shall have full power and authority to make such provisions, as they or the major part of them then present shall see fit, for securing the payment by the shareholders and their assignees of the residue of the capital stock of the said Company not heretofore called for by the President and Directors of the said Company, or any part thereof, according as the same may be from time to time hereafter required by the President and Directors for the time being of the said Company, in manner and according to the directions of the said Acts, and also to provide for the forfeiture of the shares in case of default in said payment ; and all such bye laws, ordinances, and regulations so to be made, shall be as binding upon the stockholders and their assignees for the time being, so long as the same remain in force, as if they were enacted by this or any other Act of the General Assembly of this Province.

6. Provided always, that nothing herein contained shall be construed to authorize the said Company to call upon any stockholder for any instalment after notice being given to the said Company of the abandonment of any stock held by such stockholder.

12th VICTORIA—CHAPTER 51.

An Act to increase the Capital Stock of the Saint John Water Company, and to provide a more efficient supply of Water in the City of Saint John.

Section.

1. Increase of Capital.
2. Additional shares, how divided.

Section.

3. Repealed.
4. Shares, when may be sold.

Section.

5. Capital, how applied.
6. Private property, how entered on, &c.
7. When meeting called for choosing Directors.
8. How made.

Section.

9. Officers' continuance in office.
10. Obligations of Company, when may be cancelled.
11. Water tanks, &c. for poor.
12. Dividends.

Passed 14th April 1849.

WHEREAS it has become necessary to increase the capital stock of the Saint John Water Company, and to make provision for a greater and more efficient supply of Water in the City of Saint John;—

Be it therefore enacted, &c.—1. The shareholders of the Saint John Water Company shall be and are hereby authorized to increase the capital stock of the said Company to an amount not exceeding ten thousand pounds, which additional stock shall be divided into shares of five pounds each.

2. The additional shares in the capital stock of the said Company shall be divided among the present shareholders in the said Company, in the proportion of one additional share to every two shares held by such shareholders; and if any of the said shareholders shall neglect or refuse to accept such additional shares within thirty days after the passing of this Act, then such additional shares so refused or neglected to be taken up shall be open to public subscription, or may be disposed of by the Directors of the said Company in such manner as they may deem advisable.

3. Repealed by 13 V. c. 7, s. 1.

4. In case default be made in payment of all or any of the instalments in the said additional shares, or any of them, it shall and may be lawful for the Directors of the said Company for the time being, within thirty days after any such default, forthwith to sell and dispose of any of the said additional shares on which such default may be made, at their discretion, to the best advantage, to any purchaser or purchasers of the same; and any instalment or instalments which previously to such default may have been paid on such additional shares, shall be forfeited to and become the property of the said Company.

5. The additional stock of the said Company shall be expended and applied, as the same is paid up, in procuring a more efficient supply of water by the said Company, and in the erection of all necessary works, buildings, reservoirs, and machinery therewith connected, and in laying down pipes and

conduits throughout that part of the City of Saint John on the eastern part of the Harbour of Saint John, in such manner and to such extent as will furnish the inhabitants thereof with a more efficient supply of water.

6. For the purpose of enabling the said Company to procure a more efficient supply of water, they the said Company shall be and are hereby authorized and empowered, by their agents, servants, and workmen, to enter upon private property for the purpose of procuring such supply, and there build and set up dams or embankments on any brook, stream, lake, or pond, for the purpose of creating artificial ponds or reservoirs, and by such dams or embankments may cause the flowage of such private property, and continue such flowage so long as they the said Company shall see fit; and they the said Company shall have full power and authority to draw water from such artificial ponds or reservoirs exclusively, and to carry pipes or conductors through the private property of individuals, as may be necessary for the conveyance of the said water to the City of Saint John; provided always, that no such dams or embankments be built or set up, artificial ponds or reservoirs made, flowage created, or pipes or conductors laid upon or through the private property of any person, without a reasonable and proper compensation being allowed and paid for the use and convenience of the same, and for all damage sustained by the operations or works of the said Company, to be agreed upon by the said Company and the respective owners of such private property; and in case of disagreement between the said Company and the owners of the said private property, or any of them, then the amount of such compensation shall be settled and determined in the manner and form prescribed by an Act made and passed in the second year of the Reign of His late Majesty William the Fourth, intituled *An Act to incorporate sundry persons by the name of the Saint John Water Company*, or in such manner and form and by such ways and means as may be prescribed by any Act which may be passed at the present or any Session of the General Assembly of this Province; and for all damage the owner or owners of any mills or other manufacturing establishments may sustain, for or by reason of any of the operations of such Company, the direct and indirect damage, as well present as future, shall be

fully considered, and on any investigation under this Act for ascertaining the same, any such owner or owners may be examined under oath touching and concerning such injury or damage.

7. So soon as the first instalment of twelve and one half per cent. shall have been fully paid on all the additional shares in the said Company as hereinbefore prescribed, then it shall be the duty of the Directors of the said Company, and they are hereby required, to call a general meeting of all the shareholders in the said Company, by giving public notice in one or more of the Newspapers published in the City of Saint John, fourteen days previous to such meeting, for the purpose of choosing five Directors from among the shareholders of the said Company, in manner prescribed by law, to manage the business and affairs of the said Company, which said five Directors shall remain in office until the next annual meeting of the said Company, or until others are chosen in their stead, and no more than five Directors shall after the first of such elections be chosen to manage the business of the said Company.

8. In the choice of such five Directors, the shareholders of the said Company shall vote according to the rules and regulations prescribed by the Act of Assembly hereinbefore mentioned for incorporating the said Company; and the said five Directors, when so chosen, shall, at their first meeting after their election, choose a President out of their number; provided always, that three Directors shall constitute a board for the transaction of business, of which the President shall always be one, except in cases of sickness or necessary absence, in which case the Directors present may choose one of their number Chairman in his stead, but that neither the said President nor Chairman for the time being shall vote as a Director, but in case of an equal number of votes for and against any question before such board, the President or Chairman for the time being shall have a casting vote.

9. The President, Directors, and officers of the said Company, shall continue in office until the first election of five Directors in the manner and at the time hereinbefore prescribed, and no longer; and in case the said additional shares in the said Company shall not be taken up and the first instalment

thereon be duly paid as herein provided, then the present Directors of the said Company shall continue in office until the next annual meeting of the Company after such default, or until others shall be chosen in their stead.

10. And whereas divers persons, on behalf of the said Saint John Water Company, are now held and firmly bound unto our Lady the Queen, by their certain bonds or obligations, for divers sums of money amounting in the whole to the sum of five thousand pounds, which said sum of five thousand pounds was lent to the said Saint John Water Company by the Province of New Brunswick, and has been expended by the said Company in procuring and furnishing a partial supply of water to the City of Saint John, which has been highly beneficial on many occasions in extinguishing and checking many extensive conflagrations in the said City; and whereas heavy losses have been prevented by such supply of water, and it is highly desirable that the said Company should be aided and encouraged in their endeavour to procure a more extensive supply of water for the said City, as well for the preservation of the public health and the prevention of fires as for the cleanliness and comfort which will thereby be promoted;—If the said additional stock in the said Saint John Water Company, hereby authorized and created, shall be actually paid to the Treasurer of the said Company within five years from the passing of this Act, and shall be wholly, or for the major part, appropriated in carrying out the purposes of this Act, and proof of payment of the same and the appropriation of the whole, or the major part thereof, for the purposes aforesaid, shall be made to the satisfaction of His Excellency the Lieutenant Governor or Officer administering the Government of the Province for the time being, and Her Majesty's Executive Council, then it shall and may be lawful for the said Lieutenant Governor or Officer administering the Government, to cancel the said bonds or obligations hereinbefore mentioned, and deliver up the same so cancelled to the obligors therein mentioned, and to cancel and release all claims thereon, either for principal and interest, to such obligors, so that no claim shall thereafter be had either against the said Company or the said obligors for the said sum of five thousand pounds, or any part thereof, or for all or any interest on the same, but the

same shall be wholly satisfied, cancelled, and discharged forever thereafter.

11. For the purpose of furnishing to the poor of the City of Saint John a gratuitous supply of water, if the Corporation of the City of Saint John shall erect, or cause to be erected within the said City, in such places as the Mayor, Aldermen, and Commonalty of the said City may deem most convenient and suitable, tanks, fountains, or hydrants, not exceeding six in number, the said Water Company shall, if tanks are constructed, fill with water such tanks once in every day for the free use of the poor of the said City; and if fountains or hydrants, then shall for two hours in each day furnish a free full flow of water through such fountains or hydrants for the like use; which tanks, fountains, or hydrants shall at all times be kept in repair and in good working order by the said Corporation of the said City; and should the said Corporation of the said City deem it expedient to erect or build a greater number of tanks, fountains, or hydrants than six, then the said Water Company shall be bound to furnish a full supply of water for such additional tanks, fountains, and hydrants, for the purpose aforesaid, on payment of such sum or sums of money as may be agreed and contracted for by the Corporation of the said City with the said Water Company.

12. In order to encourage subscription to the additional stock hereby created, the subscribers for such additional stock so created under and by virtue of this Act, shall from time to time, out of the net profits of the said Company, be entitled to receive a dividend of six per centum per annum upon such new stock from the date of the payment of such stock respectively, before any division of the profits of the said Company shall be applicable to the original stock heretofore created; but no dividend exceeding six per centum shall be payable on such new stock, until the proprietors of such original stock shall receive the like sum of six per centum per annum on such stock from the time of the passing of this Act, and when the net profits of said Company shall be more than sufficient to pay six per centum on both stocks, then any surplus of such profits shall be divided *pro rata* on all the stock of the said Company without distinction.

13th VICTORIA—CHAPTER 7.

An Act to amend an Act to increase the Capital Stock of the Saint John Water Company, and to provide a more efficient supply of Water in the City of Saint John.

Section.

1. Repeal of Section of what Act.

Section.

2. Additional shares, how paid.

Passed 11th April 1850.

WHEREAS in and by the third Section of an Act made and passed in the twelfth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to increase the Capital Stock of the Saint John Water Company, and to provide a more efficient supply of Water in the City of Saint John*, it was enacted that twelve and one half per cent. of the amount of each of such additional shares in the capital stock of the said Company should be paid to the Treasurer of the said Company within one year after the passing of the said Act, and the residue of each of the said additional shares should be paid by instalments of twelve and one half per cent. to the Treasurer of the said Company, at intervals of six months after the payment of the first instalment, until the whole amount of each of such additional shares should be fully paid up : And whereas a part only of the additional shares in the capital stock of the said Company has as yet been subscribed, and it is expedient to extend the time for the payment of the first instalment of the twelve and one half per cent. upon such additional stock ;—

Be it therefore enacted, &c.—1. The said recited Section of the said Act shall be and the same is hereby repealed.

2. Twelve and one half per cent. of the amount of each of such additional shares shall be paid to the Treasurer of the said Company within one year after the passing of this Act, at such time and in such place as the Directors of the said Company for the time being shall for that purpose appoint, of which thirty days public notice shall be given in two or more of the public Newspapers published in the City of Saint John ; which said instalment the Directors of the said Company for the time being are hereby empowered and required to call in ; and the residue of each of the said additional shares shall be paid by instalments of twelve and one half per cent. to the Treasurer of the said Company at intervals of one calendar month after payment of the first instalment, until the whole amount of each of such additional shares shall be fully paid up.

15th VICTORIA—CHAPTER. 71.

An Act further to increase the Capital Stock of the Saint John Water Company.

Section.

1. Increase of capital.
- 2 & 3. Repealed.
4. When shares may be sold.

Section.

5. Repealed.
6. Preference, what given, and to whom.

Passed 7th April 1852.

WHEREAS it has become necessary to increase the capital stock of the Saint John Water Company, to enable said Company to carry out their designs in relation to the carrying water through all the streets in the said City, by laying down pipes for that purpose ;—

Be it therefore enacted, &c.—1. The shareholders of the Saint John Water Company shall be and are hereby authorized to increase the capital stock of the said Company to an amount not exceeding ten thousand pounds, which additional stock shall be divided into shares of five pounds each.

2 & 3. Repealed by 16 V. c. 53, s. 1.

4. In case default be made in payment of all or any of the instalments in the said additional shares, or any of them, it shall and may be lawful for the Directors of the said Company for the time being, within thirty days after any such default, forthwith to sell and dispose of any of the said additional shares on which such default may be made, at their discretion, to the best advantage, to any purchaser or purchasers of the same; and any instalment or instalments which previously to such default may have been paid on such additional shares, shall be forfeited to and become the property of the said Company.

5. Repealed by 16 V. c. 53, s. 1.

6. In order to encourage subscription to the additional stock hereby created, the subscribers for such additional stock created under and by virtue of this Act, shall, from time to time, out of the net profits of the said Company, be entitled to receive a dividend of six per centum per annum upon such new stock respectively from the date of the payment of such stock, before any division of the profits of the said Company shall be applicable to the original stock created before the passing of an Act made and passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act to increase the Capital Stock of the Saint John Water Company, and to provide a*

more efficient supply of Water in the City of Saint John; but no dividend exceeding six per centum per annum shall be payable on such new stock, until the proprietors of such original stock shall receive the like sum of six per centum per annum on such stock from the time of the passing of this Act; and when the net profits of the said Company shall be more than sufficient to pay six per centum per annum on the original stock and the additional stock created by the said hereinbefore recited Act, and the further additional stock created by this Act, then any surplus of such profits shall be divided *pro rata* on all the stock of the said Company without distinction.

16th VICTORIA—CHAPTER 53.

An Act to amend an Act intituled *An Act further to increase the Capital Stock of the Saint John Water Company*.

Section.

1. What Sections of what Act repealed.

Section.

2. Additional shares, when sold.

Passed 3rd May 1853.

Be it enacted, &c.—1. The second, third, and fifth Sections of an Act made and passed in the fifteenth year of the Reign of Her present Majesty, intituled *An Act further to increase the Capital Stock of the Saint John Water Company*, be and the same are hereby repealed.

2. The additional shares of stock in the said Company created by the Act above recited, shall be disposed of, wholly or in part, by the Directors, as they may see fit, and shall be paid to the Treasurer of the said Company in such parts and portions, and at such time and times as the Directors of the said Company shall from time to time determine; and at least twenty days previous notice of payment being required for any one call shall be given in two or more of the Newspapers published in the City of Saint John.

17th VICTORIA—CHAPTER 56.

An Act to incorporate the Milltown Aqueduct Company, in the Parish of Saint Stephen.

Section—1. Corporation, how constituted, and powers.

Passed 1st May 1854.

Be it enacted, &c.—1. The proprietors of shares in the Aqueduct now constructed in Milltown, in the Parish of Saint Stephen, leading from a fountain near to and southerly of the residence of Joel Hill, into the village of Milltown, for the purpose of supplying certain dwelling houses, stables, &c., therein with water, be incorporated, and John M'Adam, George A. Boardman, Samuel Darling, Junior, Stephen H. Hitchings, Joseph E. Eaton, Edmund Smith, George B. Alward, Jesse Christie, Nathaniel Swell, Oliver R. Frost, Arthur Albee, James Bowes, George Hilts, Jesse Towers, Samuel Butler, and such other person or persons as now are or may hereafter become owner or owners of a share or shares in the said Aqueduct, shall be and they are hereby constituted a body corporate for the purpose aforesaid, by the name of "The Milltown Aqueduct Company," with all the general powers and privileges made incident to Corporations by Act of Assembly in this Province; provided always, that the real estate which said Corporation may at any time hold shall not exceed five hundred pounds.

17th VICTORIA—CHAPTER 58.

An Act to incorporate sundry persons by the name of The Petitcodiac Water Company.

Section.

1. Corporation, how constituted.
2. Capital stock.
3. First general meeting.
4. Annual meeting.
5. Officers, by whom appointed.
6. Board, how constituted.
7. Directors not entitled to salary; remuneration to President.
8. Qualification of Director.
9. Votes of stockholders.
10. Proxy.
11. Extent of shares to be holden by stockholder.
12. Vacancies in board, how filled up.

Section.

13. Shares, how and when assignable.
14. Dividends, when and by whom made.
15. Powers of Corporation as to water, and damages how assessed.
16. Pipes, where to be laid.
17. Proceedings against Company for not repairing roads.
18. Duty of Company in case of fire.
19. Assessment, how and by whom ordered, &c.
20. Duty of collector.
21. Assessment, how recovered.
22. Protection of parties under the Act.
23. Operation of Act.

Passed 1st May 1854.

WHEREAS it is thought the establishment of a Water Company at the Bend of Petitcodiac, in the County of Westmorland, would promote the interest and convenience of the inhabitants thereof, by the increasing and facilitating the means of procuring water therein;—

Be it therefore enacted, &c.—1. Peter M'Sweeney, Bliss Botsford, James Steadman, Joseph Salter, E. B. Chandler, Junior, Duncan Robertson, Lewis Constantine, Amasa Welton, Junior, and Thomas Gamble, their associates, successors, and assigns, be and they are hereby declared to be a body corporate, by the name of "The Petiscodiac Water Company," and shall have all the powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of supplying the inhabitants of the Bend and its vicinity with water, and for carrying on and managing the necessary works therewith connected.

2. The capital stock of the said Corporation shall consist of five thousand pounds current money of the Province, to be divided into one thousand shares of five pounds each, five per cent. of which to be paid within twelve months from the passing of this Act, and the residue thereof as may be required by the President and Directors of the said Company, for the use thereof, they giving one month's notice in one or more of the public Newspapers of the Province that the residue or any part thereof will be required; provided that the said Corporation shall have power to increase the said capital stock to a sum not exceeding ten thousand pounds.

3. When over one thousand shares have been subscribed, a general meeting of members and stockholders, or the major part of them, shall take place by notice in one or more public Newspapers of the Province thirty days previous to such meeting, for the purpose of choosing five Directors, being stockholders and members of the Corporation, under and in pursuance of the rules and regulations hereafter made and provided; which Directors so chosen shall serve until the first annual meeting for the choice of Directors, and shall have full power and authority to manage the affairs of the said Corporation, and shall commence the operation of the said Company, subject nevertheless to the rules and regulations hereafter made and provided.

4. There shall be a general meeting of the stockholders and members of the said Corporation, to be annually holden at the Bend of Petiscodiac, on the second Tuesday in January in each and every year; at which annual meeting there shall be chosen by a majority thereof, five Directors, who shall continue

in office for one year, or until others are chosen in their room ; in the choice of which Directors, the stockholders and members of the said Corporation shall vote according to the rules hereinafter mentioned, and the Directors, when chosen, shall, at their first meeting after their election, choose out of their number a President ; provided always, that not more than three nor less than two of the said Directors shall be re-elected at such annual meeting for the next succeeding twelve months, of which the President shall always be one.

5. The Directors for the time being shall have power to appoint such officers, clerks, and servants, as they or the major part of them shall think necessary for executing the business of the said Corporation, and shall allow them such compensation for their respective services as to them shall appear reasonable and proper ; all which, together with the expenses of building reservoirs, conductors, pipes, and all contingencies, shall be defrayed out of the funds of the Corporation ; and the said Directors shall likewise exercise such other powers and authorities for the well regulating the affairs of the said Corporation as shall be prescribed by the bye laws and regulations of the same.

6. Not less than three Directors shall constitute a board for the transaction of business, of which the President shall always be one, except in cases of sickness or necessary absence, in which case the Directors present may choose one of their number as Chairman in his stead ; the President or Chairman shall vote at the board as a Director, and in case of an equal number of votes for and against any question before them, the President or Chairman shall have a casting vote.

7. No Director shall be entitled to any salary or emolument for his services, but the stockholders and members of the said Corporation may make such compensation to the President as to them shall appear reasonable and proper.

8. No person shall be eligible as a Director unless such person is a stockholder, and holding not less than six shares of the capital stock of the said Corporation.

9. The number of votes which each stockholder shall be entitled to give on every occasion when in conformity to the provisions of this Act the votes of the stockholders are to be given, shall be given in the following proportion, that is to say :—

For one share and not more than four shares, one vote ; for every four shares above four and not exceeding twenty shares, one vote, making five votes for twenty shares ; for every eight shares above twenty and not exceeding sixty, one vote, making ten votes for sixty shares ; which said number of ten votes shall be the greatest that any stockholder shall be entitled to have.

10. All stockholders may vote by proxy, provided such proxy be a stockholder, and do produce sufficient authority from his constituent or constituents so to act.

11. No member of the said Corporation during the first three months after the passing of this Act, shall be entitled to hold or subscribe for more than twenty shares of the said capital stock ; and if the whole of the said capital stock shall not have been subscribed within the said three months so to be accounted as aforesaid, then and in such case it shall be lawful for any stockholder to increase his, her, or their subscriptions to fifty shares ; provided always, that no stockholder shall be permitted to hold more than eighty shares in the whole, unless the same be acquired by purchase after the said Corporation shall have commenced its operation ; and provided also, that no stockholder shall at any one time hold more than twenty per cent. of the capital stock.

12. The Directors shall be and they are hereby authorized to fill up any vacancy that shall be occasioned in the board by the death, resignation, or absence from the Province for three months, of one of its members, but in the case of the removal of a Director by the stockholders for misconduct, or mal-administration, his place shall be filled up by the said stockholders, and the person so chosen by the Directors or stockholders shall serve until the next succeeding annual meeting of the stockholders.

13. The shares of the capital or stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf, but no assignment or transfer shall be valid or effectual, unless such assignments or transfer shall be entered and registered in a book kept by the Directors for that purpose, nor until such person or persons so making the same shall previously discharge all debts actually due and payable to the said Corporation, but in no case shall any

fractional part of a share be assignable or transferable ; and whenever any stockholder shall transfer, in manner aforesaid, all his stock or shares in the said Company to any other person or persons whatsoever, such stockholder shall cease to be a member of the said Corporation.

14. The Directors shall make half-yearly or yearly dividends, as may to them appear most proper, of all the profits, rents, premiums, and interest of the said Corporation, payable at such time and place as the Directors shall appoint, of which they shall give thirty days previous notice in one or more Newspapers published in the Province,

15. The said Corporation shall have full power and authority to draw water from, erect reservoirs on, and to carry pipes or conductors through (when such shall be deemed absolutely necessary for the conveyance of water by the said Corporation) the private property of individuals whose lands may be at the source, or in the line the said Corporation shall think expedient to convey the water from, or through which it may be necessary to carry such pipes or conductors, or erect such reservoirs ; provided always, that no such water be drawn, reservoirs erected, or pipes or conductors placed from, upon, or through the private property of any person, without a reasonable and proper compensation being allowed and paid for the use and convenience of the same, and for any damage sustained by the operation of the said Corporation, to be agreed upon by the said Corporation and the respective owners of such private property ; and in case of disagreement between the said Corporation and the said owners, or any of them, such compensation shall be determined by three arbitrators, one to be chosen by the said Corporation, and one by the owner or owners of the private property in question, which two arbitrators so chosen, shall choose the third arbitrator ; and in case of their not agreeing in such choice within ten days after their appointment, then it shall and may be lawful for the Lieutenant Governor for the time being to appoint the third arbitrator, and the award of the said arbitrators, or any two of them, shall be final and conclusive in the matters referred to them ; and in case any of the said owners of such private property shall decline making any such agreement, or appointing such arbitrator, then and in every such case the said Corporation

may make application to the Supreme Court, (stating the grounds of such application) and the said Court is hereby empowered and required from time to time upon such application, to issue a Writ directed to the Sheriff of the said County, commanding him to summon and empanel a jury of twelve freeholders within the said County, who shall upon their oaths, (which oaths, as well as the witnesses' oaths to be taken on such occasion, shall be administered by the said Sheriff,) enquire of and assess the damages or annual rent to be paid for the use and convenience of such private property ; and the inquisition or verdict of such jury shall be returned and filed in the office of the Clerk of the Pleas in the Supreme Court, and shall be final and conclusive between the parties, and the costs of such proceedings, to be taxed and allowed by the said Court, shall be paid by the said Corporation.

16. It shall and may be lawful for the said Corporation, at a proper and convenient depth under the surface of each and every of the roads and streets through which it may be necessary, to lay down, set, and place such and so many pipes, leaders, and conduits for the said water, as they shall find to be necessary for carrying it to any or every dwelling house in the said village, called the Bend of Petitcodiac, or its vicinity, and from time to time, as often as the said Company shall think proper, to lay down such pipes, leaders, and conduits, or shall have occasion to alter, amend, or repair the same ; it shall also be lawful for the said Company to break up and open any part whatsoever of the said roads and streets, or side walks thereof, and the same to keep open and uncovered during the time necessary for the said purposes ; provided always, that the said Company shall and do at their own costs and charges, and to the satisfaction of the Commissioners of the said roads or streets, and without unnecessary delay, repair and amend the said roads and streets in every part where they shall be so broken up and opened as aforesaid, to the condition in which they were before breaking up or opening the same.

17. If the said Company shall not repair the said roads or streets, or any of them so broken up, to the satisfaction of the Commissioners as aforesaid, it shall be lawful for the said Commissioners to cause the same to be repaired, and to sue for and recover the expense incurred therein from the said

Company in any Court of Record in this Province, or in case the sum demanded shall not exceed ten pounds, then before any Justice of the Peace for the said County, such Justice to proceed in the manner directed in the Act for the more easy and speedy recovery of small debts.

18. The said Company shall in every street or road through which the said pipes shall be laid, make and provide proper vents and openings for supplying water whenever fires shall happen in the village known as the Bend of Petitcodiac, or in the vicinity thereof, and shall make such vents and openings in such places and at such distances from each other as the Firewards, or the majority of them, shall from time to time direct and appoint; provided always, that the said Firewards shall pay, as hereinafter provided, any additional expense that may be incurred by making and maintaining such vents and openings for supplying water in cases of fire.

19. It shall and may be lawful for the Justices of the Peace in and for the County of Westmorland, at any General Sessions of the Peace holden for the said County, in each and every year during the continuance of this Act, upon application of the Firewards, or a majority of them, to order an assessment to be made upon all stores, houses, out-houses, and buildings of every nature, kind, and description, fronting upon all streets, highways, roads, lanes, alleys, and wharves, wherein the said Company shall establish such vents and openings for supplying water for fires, at the discretion of the said Firewards, in proportion to the value thereof, for such sum or sums of money as may be agreed upon from time to time between the said Firewards and the said Company; which assessment, when so made, shall be paid by the owner or owners of the said buildings or wharves to the collector of rates for the said Parish, within ten days after notice thereof.

20. The said collector, upon receipt of the assessment list from the said assessors of rates, shall proceed forthwith to collect the said assessment from the persons therein rated, and shall within thirty days after receipt of said assessment pay over to the Secretary of the said Company all moneys collected on account thereof, with a true list of all delinquents; and in case of the neglect or refusal of the said collector to collect the said assessment, or make return thereof as herein

required, the said Company are hereby authorized and empowered to sue for and recover the amount of the said assessment in an action of debt against the said collector, before any Justice of the Peace for the said County.

21. In case of neglect or refusal of the owner or owners of the stores, houses, out-houses, buildings, and wharves, assessed under and by virtue of this Act, to pay the amount of such assessment within ten days after demand thereof by the said collector, the said Company are hereby authorized and empowered, upon return being made by the collector as required in the twentieth section of this Act, to sue for and recover in an action of debt against each of the said delinquents, before any Justice of the Peace of the said County, the amount for which he, she, or they were assessed.

22. If any action or suit shall be commenced against any person or persons for any thing that shall be done in pursuance of or by authority of this Act, in any such case the action or suit shall be commenced within three calendar months next after the fact committed, and not afterwards, and shall be laid and brought in the County of Westmorland, and the defendant or defendants in such suit, shall and may plead the general issue, and give this Act and the special matters in evidence at any trial to be had, and that the same was done in pursuance and by the authority of this Act; and if it shall appear so to be done, or that such action or actions have been brought after the time limited for bringing the same as aforesaid, or shall be brought in any other County or place, then the Judge before whom any such action or suit may be tried, shall direct a nonsuit to be entered against the said plaintiff or plaintiffs in any such action or suit as aforesaid.

23. That unless fifteen per cent. of the said capital stock shall be paid in for the purpose of this Corporation, and a certificate of such payment, signed and verified on oath by the Directors, or a majority of them, before any Justice of the Peace, shall be filed in the Office of the Secretary of the Province before the expiration of three years next after the passing of this Act, the operation of this Act shall cease, and the existence of this Corporation be terminated at the end of the said three years.

INSURANCE COMPANIES.

FIRE.

6th WILLIAM 4th—CHAPTER 55.

An Act to incorporate the Central Fire Insurance Company of New Brunswick.

Section.

1. Incorporation of Company.
2. Capital.
3. Deposit, when made.
4. Payment of stock, and commencement of operations.
5. General meeting, when called to choose Directors, &c.
6. Annual general meeting to choose Directors, &c.
7. Powers of Directors.
8. Board of.
9. Director not to have salary; exception.
10. Qualification of.
11. Stockholders' votes.
12. Directors, choice of, at other times.
13. When business to commence.
14. On what may insure, and losses, how settled.
15. Policies by Agents.

Section.

16. Dividends.
17. What real estate may possess.
18. Investment of capital.
19. Half-yearly dividends.
20. Investment of other money.
21. Not to engage in banking.
22. Shares assignable.
23. President, &c., for what liable.
24. What responsible for debts, &c.
25. Repealed.
26. Inspection of books.
27. Statement of affairs, before whom laid.
28. Access to books, &c., by whom.
29. General meetings, who may call.
30. When for dissolving.
31. Repealed.
32. Extent of insurances allowable.
33. Limitation.

Passed 16th March 1836.

WHEREAS the great increase of wealth and combustible property in the Province for several years past renders an increase in the facilities for protecting the same expedient and necessary;—

Be it therefore enacted, &c.—1. Amasa Coy, John M. Wilmot, Joseph Gaynor, Nehemiah Meritt, Jeremiah M. Connell, Thomas C. Everitt, Thomas T. Smith, Henry George Clopper, Charles D. Everitt, John Simpson, Francis E. Beckwith, Asa Coy, Justin Spahnn, H. Fisher, Junior, Henry Blakslee, George Sears, John T. Smith, Charles Connell, Junior, Charles Perley, Robert Chestnut, William D. Hartt, Thomas Leavitt, Lemuel A. Wilmot, and Charles Fisher, their associates, successors, or assigns, be and they are hereby declared to be a body politic and corporate, by the name of "The Central Fire Insurance Company of New Brunswick," and they shall be persons able and capable in law to have, get, receive, take, possess, and enjoy houses, lands, tenements, hereditaments, rents, in fee simple or otherwise, and also goods and chattels, and all other things real, personal, or mixed, and also to give, grant, convey, let, or assign the same, or any part thereof, in any legal method

or manner, and to do and execute all other things in and about the same as they shall think advisable and necessary for the benefit and advantage of the said Corporation; and also that they be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of law or equity, or in any other place or places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes, and matters whatsoever, in as full and ample a manner to all intents and purposes as any other person or persons are in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto; and also that they have one common seal to serve for the ensealing of all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreement, assignments, powers, warrants of attorney, and all and singular their affairs and things touching and concerning the said Corporation.

2. The capital or joint stock of the said Corporation shall consist of the sum of fifty thousand pounds current money of the Province, to be paid according to the legal value thereof, at the several times of the payment of the same; ten thousand pounds, being the one fifth part thereof, to be paid within six months after the passing of this Act, and the remaining four fifths, or forty thousand pounds, to be paid at such time or times and in such parts or portions as the Directors for the time being, or a majority of them, shall from time to time think necessary; the whole amount of such capital or stock to be divided into shares of ten pounds each, making in the whole five thousand shares.

3. All the subscribers for stock or shares in the said Corporation shall, previous to the day of the election of Directors, pay into the hands of such person or persons as the persons incorporated by the first Section of this Act, or the major part of them, or in case of the death of any of them, or the major part of the survivors may direct, a deposit of not less than two per cent. not exceeding five per cent. upon the amount of capital or stock of the said Corporation for which they have subscribed, due notice being given at the time of the notice calling the first meeting of the members and stockholders of the Corporation, of the time or several periods of time when,

of the place and places where, and person or persons to whom the said deposit shall be paid ; and the said deposit shall be taken and allowed to every subscriber who shall pay it, as part and out of the first twenty per cent. of the capital stock required to be paid in, under and by virtue of this Act ; and every subscriber who shall neglect or refuse to pay in the said deposit, shall for every share he shall neglect or refuse to pay in, be deemed a defaulter, and the said share or shares shall be forfeited to the Corporation ; and no subscriber shall, upon any pretence whatever, vote at the first meeting for the choice of Directors upon any share or shares he has not paid the said deposit.

4. Every stockholder or subscriber shall pay into the hands of the Directors for the time being, or into the hands of such person or persons, or into the Cashier or Cashiers, Treasurer or Treasurers of such body corporate or bodies corporate, as the Directors or a majority of them shall appoint, within the aforesaid six months, one fifth part or twenty per centum on the whole amount of his or her share or shares, including the deposit mentioned in the third Section of this Act, and shall give to the President and Directors hereinafter mentioned, good and sufficient security or securities, either by bond and mortgage on real estate, or by bond with two or more good and sufficient sureties, [the words here omitted are repealed by 4 V. c. 41, s. 1,] to the satisfaction of the said President and Directors for the time being, which securities shall be made and taken, and kept and continued from time to time, to the satisfaction of such persons as the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of the Executive Council, shall appoint to examine and report upon the funds and securities of the said Company, that the residue of the whole amount of his or her share or shares shall be paid from time to time, and in such parts or portions as to them the said President and Directors shall seem advisable ; provided that the amount so to be called in shall not at any one time exceed twenty per centum on the whole amount of capital or stock belonging to any individual, and not less than fifty days notice of such payment being required shall be given in one or more of the Newspapers published in this Province ; provided always, that the said Corporation shall

not go into operation until the said sum of ten thousand pounds shall have been paid, and shall then be in the vault or office of the said Corporation or Company, and as soon as the said sum shall have been so paid, the President shall give notice thereof to the Secretary of the Province, for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, who is hereby authorized, by and with the advice of His Majesty's Executive Council, to appoint three Commissioners, not being stockholders, whose duty it shall be to examine and count the money actually in the vault or office, and to ascertain by the oaths of a majority of the Directors (which oaths any one of His Majesty's Justices of the Peace for the County of York is hereby authorized to administer) that one fifth part of the amount of the capital of the said Company hath been paid in by the stockholders towards the payment of their respective shares and not for any other purpose.

5. A general meeting of the members and stockholders of the said Corporation, or the major part of them, shall take place in Fredericton, by notice in the Royal Gazette, and in one of the papers published in the City of Saint John, fourteen days previous to such meeting, which notice Charles Fisher, Esquire, Barrister at Law, or in case of his death, neglect, or refusal, any other of the persons incorporated in and by the first Section of this Act, is hereby authorized and empowered to give, for the purpose of making, ordaining, and establishing such bye laws, ordinances, and regulations for the good order and management of the affairs of the said Corporation as they shall deem necessary, and also for the purpose of choosing nine Directors, being members and stockholders of the said Corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which Directors shall as soon thereafter as may be convenient, meet together and choose out of their number a President, and shall also appoint at the same time, or at any future meeting, a Secretary and so many and such other officers, clerks, servants, and agents for carrying on the said business as they shall deem requisite and necessary, and shall at the same time, or at any future meeting, accept and receive what remains due of the first instalment of the twenty per centum on each subscriber or stockholder's

share or subscription, and shall take from such subscriber such securities for the remainder of their subscriptions as is hereinbefore pointed out, and shall commence the operations of the said Insurance Company, subject to the rules and regulations as hereinafter provided, and shall continue and serve to be Directors aforesaid until the first annual meeting for the choice of Directors as is hereafter made and provided, or until others are chosen in their room; provided that the laws and ordinances at any time made, shall be in no wise contrary or repugnant to the laws and statutes of this Province.

6. There shall be a general meeting of the stockholders and members of the said Corporation held annually on the first Tuesday in March in each and every year, at Fredericton, at which annual meeting there shall be chosen by a majority of the said stockholders and members of the said Corporation then met, out of the said stockholders and members, nine Directors, who shall continue in office for one year, or until others are chosen in their room, in the choice of which Directors the stockholders and members of the said Corporation shall vote according to the rule hereinafter mentioned; and the Directors when chosen, or the major part of them shall, at the first meeting after their election, choose out of their number a President, who is to be chosen by a majority of votes, each Director having one vote; provided always, that five of the Directors in office shall be re-elected at such annual meeting for the next succeeding year, of which the President shall always be one.

7. The Directors for the time being shall have power to do and execute all the matters and things contained in the preceding Sections of this Act, as far as the same may be left unexecuted by the Directors therein mentioned, and they shall manage the whole concerns of the said Corporation agreeably to this Act of Incorporation, and such bye laws, rules, and regulations as the stockholders and members thereof may from time to time establish, and also do and execute all other matters and things that may be necessary and requisite for the benefit of the Corporation, and also shall have power to appoint such officers, clerks, and agents, and establish such agencies as they or the major part of them shall think necessary for executing the business of the said Corporation, and shall

allow the said officers, clerks, agents, and servants such compensation for their respective services as to them the said Directors shall appear reasonable and proper; all which, together with the expenses of buildings, house rent, and all other contingencies, shall be defrayed out of the funds of the said Corporation.

8. Not less than three Directors shall constitute a board for the transaction of business, of which the President shall always be one, except in case of sickness or necessary absence, in which case the Directors present may choose one of their board as Chairman for the time being; the President shall vote at the board as a Director, and in case there be an equal number of votes for and against any question before them, the President shall have a casting vote.

9. No Director shall be entitled to any salary or emolument for his services, but the members and stockholders of said Corporation for the time being may make such compensation to the President as to them shall appear reasonable and proper.

10. No person shall be eligible as a Director unless such person is a stockholder, and holds not less than twenty shares of the capital stock of the said Corporation.

11. The number of votes to which each stockholder shall be entitled on every occasion when in conformity to the provisions of this Act the votes of the stockholders are to be given, shall be in the following proportion:—For one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares; which said number of twenty votes shall be the greatest any stockholder shall be entitled to have; and every person may vote by proxy, provided such proxy be a stockholder and previous to voting produce a sufficient authority from his constituent or constituents so to act; and provided further, that no stockholder shall hold more than five proxies.

12. If it should so happen that the Directors should not be chosen on the first Tuesday in March in any years aforesaid,

it shall and may be lawful to choose them on any other day between the hours of twelve at noon and three in the afternoon of said day, upon giving fourteen days notice of the time and place of meeting, which shall take place in Fredericton; and in case any Director should disqualify himself by the sale, disposal, or transfer of his shares, or of any of them, so as to reduce his interest in said stock to less than twenty shares required for the qualification of a Director, or in case of the removal of a Director by the stockholders for misconduct or maladministration, his place shall be filled up by the said stockholders, fourteen days notice of the time and place of meeting being first given, and in case of any vacancy among the said Directors by death, resignation, or absence from the Province for three months, the said Directors shall or may fill up the same by choosing one of the stockholders, and the person so chosen by the said stockholders or Directors shall serve until another be chosen in his room.

13. As soon as the said first instalment of ten thousand pounds shall have been actually paid in manner and form as is hereinbefore provided, on account of the subscriptions to the said stock, notice thereof shall be given in one or more of the Newspapers published in this Province, and the Directors shall commence with the business and operations of the said Corporation; provided always, that no insurance shall be effected, nor shall any policy be signed in manner as is hereinafter provided, until the sum of ten thousand pounds shall be actually paid and received on account of the subscriptions to the capital or stock of the said Corporation.

14. The said Corporation shall have power and authority to make insurance on houses, mills, manufactories, buildings, ships, or other vessels on the stocks, or in the rivers or in port, merchandize, moneys, goods, wares, and effects, against loss or damage by fire, and to fix the premium and terms of payment; and all policies of insurance by them made shall be subscribed by the President, or in case of his death, absence, sickness, or inability, by any two of the Directors, and countersigned by the Secretary of the said Corporation, or in case of the sickness, absence, or inability of the Secretary, by such person or persons as the Directors, or a majority of them, may appoint to act in his stead, and shall be binding and obligatory upon the said

Corporation and Company; and all losses duly arising under any policy so subscribed and countersigned, shall and may be adjusted and settled by the Board of Directors, and the same shall be binding on the said Corporation, and shall be paid to the assured within ninety days from such adjustment; provided always, that the said Directors shall not in any case make insurance on any single building or goods contained therein to an amount exceeding three thousand pounds.

15. All policies entered into in behalf of the said Company and Corporation by any agent or agents duly appointed by the Directors or a majority thereof, shall, in addition to the signing and countersigning required by the thirteenth Section of this Act, be also countersigned by the said agent or agents, and especially mention in the said policy the invalidity of such policy without such additional countersigning, and no policy entered into by any agent or agents of the said Company or Corporation shall be obligatory upon the said Company or Corporation without these requisites are complied with.

16. It shall be the duty of the Directors of the said Corporation or a quorum thereof to make half-yearly dividends of all the profits, rents, premiums, and interest of the said Corporation, payable at such time and place as the Directors or a quorum thereof shall appoint, of which they shall give thirty days previous notice in one or more of the Newspapers published in this Province; provided always, that the moneys received for premium of risks which shall be undetermined and outstanding at the time of the making of such dividends shall not be considered as part of the said profits of the said Company; and provided further, that if the amount of capital or stock paid as by this Act is required shall be by any means reduced to a sum less than ten thousand pounds, then in such case no dividend or dividends whatsoever shall be declared or made until a sum equal to the said sum of ten thousand pounds shall be vested for the use of the said Company.

17. The said Corporation shall have full power and authority to take, receive, hold, possess, and enjoy in fee simple, any lands, tenements, and real estate, and rents, to any amount not exceeding five thousand pounds; provided nevertheless, that nothing herein contained shall prevent or restrain the said Corporation from taking or holding real estate or chattels to

any amount whatsoever by mortgage, taken as a collateral security for the payment of any sum or sums of money advanced by or debts due to the said Corporation, or for the security of the payment of the amount of such part of the capital or stock of the said Corporation that shall at any time or times remain unpaid.

18. The capital or stock of the Company collected at each instalment, and at the times and manner hereinbefore provided, shall be by the said Directors invested and disposed of in such public funds, or to such public or corporate bodies, or associations or joint companies, as may be deemed advisable, and in the event of there being no public funds or public or corporate bodies, or associations or joint companies in which the same can be safely vested, or to whom the same can be advantageously and safely lent and disposed of, then it shall and may be lawful for the said Directors, or a majority of them, to apply and dispose thereof by letting the same out at interest, either upon the security of lands or other property, or otherwise, as they may think fit; provided always, that no moneys of the said Corporation shall be put out at interest nor any security taken for the same, either by bond or mortgage, or bill, or note, or otherwise, for a shorter period than one year; and further provided, that as long as the amount of the said first instalment of ten thousand pounds, or any part thereof, shall be at the disposal of the said Directors, and shall be required for the use of the Province, then it shall be obligatory upon the said Directors to loan the said sum of ten thousand pounds, or any part thereof, to the Province, or the Treasurer thereof, for the public use of the Province, at the rate of not exceeding six per centum per annum; and further provided, that nothing herein contained shall be construed to extend to deprive the Directors of their right of calling upon the Province for the payment of the said sum of ten thousand pounds, or any part thereof they may require to meet any extraordinary loss the surplus fund hereafter provided and any disposable fund of the Corporation may not sufficiently provide for or discharge, or to call in the same upon the dissolution of the said Corporation.

19. The Directors of the said Corporation shall not at any half-yearly dividend of the profits, rents, and premiums, and

interest of the said Company, divide or pay, or cause or permit to be divided or paid, any greater or larger dividend than will amount to the rate of six pounds per centum on the total amount of capital stock collected and actually invested and disposed of as is provided in and by this Act; and also that the sum at any time divided and paid shall not exceed two thirds of the net amount of the actual gains and earnings of the said Company gained or earned since the making of the then last dividend; provided always, that whenever the capital or stock actually invested as by this Act is required, and the surplus fund, shall together amount to the sum of twenty five thousand pounds, then the Directors of the said Company may, if they think the same advisable, divide and pay the whole of the net amount of the gains and earnings of the said Company at each half-yearly dividend, any thing herein contained to the contrary thereof in any wise notwithstanding.

20. It shall and may be lawful to and for the Directors of the said Corporation to use, apply, and dispose of the moneys arising in the course of the dealing of the said Corporation, and all the profits, rents, premiums, and interest thereof, by letting the same out at interest, either upon the security of lands or other property, or otherwise, as the Directors thereof may think fit, any thing contained in this Act to the contrary notwithstanding; provided always, that no moneys of the said Corporation shall be put out at interest, nor any security taken for the same, either by mortgage, bill, bond, note, or otherwise, for a shorter period than one year.

21. The said Company or Corporation shall not directly or indirectly deal or trade in buying or selling gold or silver coins, or bullion, or bills of exchange, or other negotiable instruments, or any goods, wares, merchandize, or commodity whatsoever, or deal in the lending of money, or in bills of exchange, or other negotiable instruments, by way of discount or otherwise, or engage in any banking operations whatsoever; provided always, that nothing herein contained shall be construed to extend to prevent the Company from hiring or lending its funds arising either from the payment of any instalments, or from the accumulation of its profits, rents, premiums, and interest, agreeably to the terms and provisions of the seventeenth and nineteenth Sections of this Act, any thing herein contained to the contrary thereof in any wise notwithstanding.

22. The shares, capital, or stock of the said Company, shall be assignable or transferable according to such rules and regulations as may by the members and stockholders be established in that behalf, but no assignment or transfer shall be valid or effectual unless such assignment or transfer shall be entered and registered in a book to be kept by the Directors for that purpose, and in no case shall any fractional part of a share be assignable or transferable; and whensoever any stockholder shall transfer, in manner aforesaid, all his or her stock or shares in the said Corporation to any other person or persons whomsoever, such person shall cease to be a member of the said Corporation, and the person or persons so purchasing shall become a member of the said Corporation in his or her stead, and be entitled to all the privileges as such.

23. In case of any loss or losses taking place which shall be equal to the capital or stock of the said Company, and the President and Directors, after knowing of such loss or losses taking place, shall make any further policy of insurance, they and their estates jointly and severally shall be accountable for the amount of any and every loss which shall take place under such policy or policies so made.

24. The joint stock or property of the said Corporation shall be responsible for the debts and engagements of the said Corporation, and no person or persons who shall or may have dealings with the said Corporation, shall, on any pretence whatsoever, have recourse against the separate property of any present or future member or members of the said Corporation, or against their person or persons, further than has been hereinbefore provided, and may be necessary to secure the faithful application of the funds of this Corporation.

25. Repealed by 4 V. c. 41, s. 1.

26. The books, papers, correspondence, and all other matters and things belonging to the said Corporation, shall at all times be subject to the inspection of the Directors, or any of them, but no stockholder not a Director shall inspect the account of any individual or corporate body with the said Company.

27. The Directors shall at the general meeting to be holden on the first Tuesday in March in every year, lay before the stockholders, for their information, an exact and particular

statement in triplicate of the then state of the affairs and business of the said Company, agreeably to the several regulations of this Act, and such other rules and regulations as may by the members and stockholders of the Corporation be made by virtue hereof, so as the same may contain a true account of the whole of the affairs of the said Corporation ; which statement in triplicate as aforesaid shall be signed by the Directors, and attested on oath by the Secretary, or in case of his sickness, absence, or inability to attend, by such person or persons as the Directors or any quorum thereof may appoint to act in his stead, and shall be transmitted to the Secretary of the Province for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, and the Legislature ; provided always, that the rendering of such statement shall not extend to give any right to the stockholders, not being Directors, to inspect the accounts of any individual or individuals with the said Corporation.

28. Any joint Committee hereafter to be appointed by the Honorable the Legislative Council and the House of Assembly, for the purpose of examining into the proceedings of the said Corporation, shall either during the Session or prorogation of the General Assembly, have free access to all the books and accounts of the same.

29. Any number of stockholders not less than twenty, who together shall be proprietors of one thousand shares, shall have power at any time, by themselves or their proxies, to call a general meeting of the stockholders for any purpose relating to the business of the said Corporation, other than a dissolution thereof, giving at least thirty days notice in two of the Newspapers published in this Province, and specifying in such notice the time and place of such meeting with the objects thereof, and the Directors, or any five of them, shall have the like power at any time (upon observing the like formalities) to call a general meeting as aforesaid.

30. Any number of stockholders not less than thirty, who together shall be proprietors of three thousand five hundred shares, shall have the power at any time, by themselves or their proxies, to call a general meeting of the stockholders for the purpose of taking into consideration the propriety of dissolving the said Company, giving at least three months previous notice

in one or more of the Newspapers published in this Province, and specifying in such notice the time and place of such meeting, with the objects thereof; and should it be agreed upon at such meeting that the said Company or Corporation should be dissolved, such stockholders are hereby authorized and empowered to take all legal and necessary ways and means to dissolve the said Company; and upon such or any other dissolution of the said Company, the Directors then in office shall take immediate and effectual measures for closing all the concerns of the said Corporation, and for dividing the capital and profits which may remain among the stockholders in proportion to their respective interests.

31. Repealed by 4 V. c. 41, s. 3.

32. When the said Corporation shall have provided and secured the said capital or joint stock of fifty thousand pounds as aforesaid, it shall and may be lawful for them to cause insurances to be made on houses, buildings, stores, goods, wares, and merchandize within this Province, from loss or damage by fire to the value of two hundred thousand pounds, and no more; and the whole of the said capital or joint stock shall be pledged and liable to make good all and every loss which may happen upon all or any of the said policies; and in case the said Corporation shall at any time make any insurances beyond the said sum of two hundred thousand pounds, each of the members of the said Corporation shall be liable in their own persons and estates for his share or proportion of such sums insured beyond the said sum of two hundred thousand pounds.

33. This Act shall be and continue in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty seven.

4th VICTORIA—CHAPTER 41.

An Act to amend an Act to incorporate the Central Fire Insurance Company of New Brunswick.

Section.

1. Repeal of certain Sections of other Act.
2. Bonds for residue, how taken.
3. Repeal of another Section.

Section.

4. Reference to Section altered.
5. Limitation.

Passed 26th March 1841.

Be it enacted, &c.—1. So much of the fourth Section of an

Act made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to incorporate the Central Fire Insurance Company of New Brunswick*, as requires the bonds or other securities given for the payment of the residue of the capital stock of the said Corporation to be renewed at least as often as once in three years, and also the whole of the twenty-fifth Section of the said recited Act, be and the same is hereby repealed; and in lieu thereof,—

2. The said bonds and other securities of what nature or kind soever, already taken or hereafter to be taken for the payment of the residue of the capital stock of the said Corporation, and all and every and any of them, shall from time to time be renewed or changed, and such further or other security or securities for the same be given, as the Directors of the said Corporation, or a majority of them, shall from time to time require; and in case of any refusal or delay to renew or change any such security or securities, and to give and grant other and further security or securities therefor, to the satisfaction of the said Directors, or a majority thereof, within thirty days after notice thereof given, then and in such case it shall and may be lawful to and for the said Directors, or a majority of them, to cause such proceedings both in law or equity, or either, as may be deemed requisite, to be taken for the recovery of the amount of such several and respective securities, or it shall and may be lawful to and for the said Directors, or a majority of them, if they shall think fit, to declare the shares in the capital stock of the said Corporation, for the amount of the residue of which such security or securities shall have been given, forfeited to the said Corporation, together with all deposits, instalments, interest, profit, or dividends thereto belonging or appertaining, and such stock so forfeited shall be sold by public auction, for and on account of the said Corporation, and the purchaser or purchasers thereof, shall give such security or securities for the payment of the amount due to the said Corporation, on account of such forfeited shares, at the time of such forfeiture, as is hereinbefore provided, and shall likewise be subject to all the provisions of this Act, and of the said recited Act to which this is an amendment, anything therein contained to the contrary notwithstanding.

3. The thirty first Section of the said recited Act be and the same is hereby repealed.

4. The reference mentioned in the fifteenth Section of the above recited Act to the thirteenth Section of the said recited Act, be deemed and taken to refer to the fourteenth Section of the said Act, any thing therein contained to the contrary notwithstanding.

5. This Act shall continue and be in force for and during the continuance of the said in part recited Act.

9th VICTORIA—CHAPTER 43.

An Act to incorporate the Mutual Insurance Company.

Section.

1. Incorporation of Company.
2. Qualification of members.

Section.

3. First meeting, how called.
4. Investment of funds.

Passed 11th April 1846.

WHEREAS the establishment of a Mutual Insurance Company against fire would tend to the keeping within the Province large sums of money that are annually paid in other parts for Insurance against loss or damage by fire ;—

Be it enacted, &c.—1. Henry Gilbert, Thomas Harding, Henry Porter, Joseph Fairweather, David J. Marshall, James W. Lawrence, Henry Perkins, William H. Adams, William Henry Scovil, Charles Adams, Daniel J. McLaughlin, Robert Reed, John M. Robinson, and all and every such other person and persons as shall from time to time become proprietors of shares in the Corporation hereby established, their successors and assigns, shall be and they are hereby erected into a Company, and declared to be a body politic and corporate, by the name of “The Mutual Insurance Company,” and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of insuring against loss by fire ; and the said Company, or the major part of them, shall from time to time, and at all times, have full power and authority to constitute, ordain, make, and establish such bye laws and ordinances as may be thought necessary for the good rule and government of the said Corporation, provided such bye laws and ordinances be not contradictory or repugnant to the laws and statutes of the Province, and those in force within the same.

2. All persons who shall insure with this Corporation, and also their executors, administrators, and assigns, shall thereby become members thereof during the period they shall remain insured, and no longer.

3. The first meeting of the said Corporation shall be held at the City of Saint John, and shall be called by John M. Robinson, or in case of his death, refusal, or neglect, by any three of the said Company, by giving notice in one of the Newspapers printed in the said City, at least one week previous to such meeting; provided such meeting shall not be held until applications for insurance have been made to the amount of two thousand pounds.

4. All funds received by or remaining with the said Corporation, shall be invested in stock, or personal or landed securities, provided such securities shall not be for a less period than one year.

9th VICTORIA—CHAPTER 50.

An Act to amend the Act to incorporate the Central Fire Insurance Company of New Brunswick.

Section.

1. Directors, to what number may be reduced.

Section.

2. Annual general meeting.
3. Limitation.

Passed 11th April 1846.

WHEREAS in and by an Act made and passed in the sixth year of the Reign of William the Fourth, intituled *An Act to incorporate the Central Fire Insurance Company of New Brunswick*, it is among other things provided, that a statement of the affairs of the said Corporation shall, at the general meeting to be holden on the first Tuesday in March in every year, be laid before the stockholders for certain purposes therein mentioned: And whereas the time for making the annual returns of the state of the affairs and business of the said Corporation is inconvenient: And whereas it is expedient to authorize the stockholders of the said Corporation to reduce the number of Directors of the said Corporation;—

Be it therefore enacted, &c.—1. The stockholders and members of the said Corporation shall, and they are hereby authorized and empowered, at any general meeting of the said Corporation, to reduce the number of Directors of the said

Corporation to any number not less than five, and at any future time to increase the number, if they deem it advisable, so that the number of Directors of the said Corporation shall never exceed nine nor be less than five.

2. The annual general meeting of the said Corporation shall be hereafter holden on the second Tuesday in March in each and every year, instead of the first Tuesday in March as is now required by the Act incorporating the said Company; provided that the returns to be annually made of the state of the affairs and business of the said Company shall be made up to the first Tuesday in March, as is now required by the Act incorporating the said Company.

3. This Act shall continue and be in force during the continuance of the Act to which it is an amendment, and no longer.

10th VICTORIA—CHAPTER 77.

An Act to incorporate the King's County Mutual Insurance Company.

Section.

1. Incorporation of Company.
2. Qualification of members.

Section.

3. First meeting, how called.
4. Investment of funds.

Passed 14th April 1847.

WHEREAS the establishment of a Mutual Insurance Company in the rural districts of the country would tend to protect the inhabitants against loss or damage by fire;—

Be it enacted, &c.—1. William M'Leod, John C. Vail, LeBaron Drury, Reverend W. Walker, Reverend William Scovil, Gilford Flewelling, James A. Seivwright, S. Z. Earle, Justus Earle, James Fairweather, James Stark, Allan Otty, James D. Perkins, George Crawford, Oliver Hallet, Simon Baxter, and all and every such other person and persons as shall from time to time become proprietors of shares in the Corporation hereby established, their successors and assigns, shall be and they are hereby erected into a Company, and declared to be a body politic and corporate, by the name of "The King's County Mutual Insurance Company," and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of insuring against loss by fire; and the said Company, or the major part of them, shall from time to time, and at all

times, have full power and authority to constitute, ordain, make, and establish such bye laws and ordinances as may be thought necessary for the good rule and government of the said Corporation, provided such bye laws and ordinances be not contradictory or repugnant to the laws and statutes of the Province, and those in force within the same.

2. All persons who shall insure with this Corporation, and also their executors, administrators, and assigns, shall thereby become members thereof during the period they shall remain insured, and no longer.

3. The first meeting of the said Corporation shall be held at Kingston, and shall be called by William McLeod, or in case of his death, refusal, or neglect, by any three of said Company, by giving notice in writing, which writing shall be posted up in three or more of the most public places in said County, at least fifteen days previous to such meeting; provided such meeting shall not be held until applications for insurance have been made to the amount of two thousand pounds.

4. All funds received by or remaining with the said Corporation, shall be invested in good and sufficient personal or landed securities, provided such securities shall not be for a less period than one year or more than two years.

17th VICTORIA—CHAPTER 63.

An Act to incorporate the Saint John Fire Insurance Company.

Section.

1. Corporation, how constituted.
2. Capital stock.
3. Deposit, when to be paid.
4. Amount to be paid or secured to Directors by stockholders, and when Policies may be issued.
5. First general meeting, how and by whom called.
6. Annual general meetings.
7. Powers of Directors.
8. Board for business.
9. President and Directors, how compensated.
10. Qualification of Directors.
11. Stockholders' votes.
12. Disqualification or vacancy of Director, how remedied.
13. Power of Corporation to insure, what.

Section.

14. Policies, by whom signed.
15. Dividends, when and by whom declared.
16. Real estate.
17. Capital, how disposed of.
18. Profits, how disposed of.
19. Shares, when assignable.
20. No new policy after total loss of capital.
21. Joint stock liable for debts.
22. Securities may be renewed, and sale of stock on forfeiture.
23. Books, &c. subject to inspection.
24. Statement of business to be laid before general meeting.
25. Who may call a special general meeting.
26. Who may call a general meeting for dissolution.
27. Returns of affairs by Secretary.
28. Limitation of Act.

Passed 1st May 1854.

WHEREAS large sums of money are annually paid to Foreign

Offices for premiums of insurance against Fire on property in this Province : And whereas the great increase of wealth and combustibile property in the Province renders an increase on the facilities for protecting the same necessary, and it is therefore desirable to encourage the establishment of insurance within the Province ;—

Be it therefore enacted, &c.—1. Stephen Wiggins, Nathan S. Demill, Henry Chubb, Thomas E. Millidge, Joseph A. Crane, William Johnston Ritchie, Frederick A. Wiggins, Joel Reading, Alexander M'L. Seely, Barnabas Tilton, John Dnncan, William H. Adams, John V. Thurgar, Joseph Hamilton, Thomas Fairweather Raymond, William Davidson, William H. Scovil, Daniel M'Laughlin, George Carvill, and Charles M. Gove, their associates, successors, or assigns, be and they are hereby declared to be a body politic and corporate, by the name of "The Saint John Fire Insurance Company," and they shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of insuring against loss or damage by fire.

2. The capital or joint stock of the said Corporation shall consist of the sum of fifty thousand pounds current money of the Province, to be paid according to the legal value thereof at the several times of the payment of the same ; five thousand pounds, being the one tenth part thereof, to be paid within twelve months after the passing of this Act, and the remaining nine tenths, or forty five thousand pounds, to be paid at such time or times, and in such parts or portions as the Directors for the time being, or a majority of them, shall from time to time think necessary ; the whole amount of such capital or stock to be divided into shares of twenty five pounds each, making in the whole two thousand shares.

3. All the subscribers for stock or shares in the said Corporation shall, previous to the day of the election of Directors, pay into the hands of such person or persons as the persons incorporated by the first Section of this Act, or the major part of them, or in case of the death of any of them, of the major part of the survivors may direct, a deposit of five per cent. upon the amount of capital or stock of the said Corporation for which they have subscribed, due notice being given at the time of the notice calling the first meeting of the members and

stockholders of the Corporation, of the time or several periods of time when, of the place and places where, and person and persons to whom the said deposit shall be paid, and the said deposit shall be taken and allowed to every subscriber who shall pay it as part of the capital stock required to be paid in under and by virtue of this Act; and any subscriber who shall neglect or refuse to pay in the said deposit, shall for every share he shall neglect or refuse to pay in, be deemed a defaulter, and the said share or shares shall be forfeited to the Corporation, and no subscriber shall upon any pretence whatever vote at the first meeting for the choice of Directors, upon any share or shares upon which he has not paid the said deposit.

4. Every stockholder or subscriber shall pay into the hands of the Directors for the time being, or into the hands of such person or persons, or into the Cashier or Cashiers, Treasurer or Treasurers of such body corporate or bodies corporate as the Directors or a majority of them shall appoint, at such time or times as the Directors, or a majority of them, may appoint within the aforesaid twelve months, such amount per centum on the whole amount of his or her share or shares, including the deposit mentioned in the third Section of this Act, as will make up the sum of five thousand pounds, and shall give to the President and Directors hereinafter mentioned, good and sufficient security or securities, either by bond and mortgage on real estate, or by bond with two or more good and sufficient sureties, to the satisfaction of the said President and Directors for the time being, and renewable as often as they shall think expedient and necessary, that the residue of the whole amount of his or her share or shares shall be paid from time to time, and in such parts or portions as to them the said President and Directors, shall seem advisable; provided that the amount so to be called in shall not at any one time exceed twenty per centum on the whole amount of capital or stock belonging to any individual, and not less than twenty days notice of such payment being required, shall be given in one or more of the Newspapers published in this Province; provided always, that the said Corporation shall not make any policy of insurance until twenty five thousand pounds of the stock of said Company shall have been subscribed, and the sum of five thousand pounds shall have been paid, and a

certificate thereof, under the hand of the President and Secretary of the said Company, duly attested, shall have been filed in the Office of the Provincial Secretary, that the amount of five thousand pounds of the capital of the said Company hath been paid in by the stockholders towards the payment of their respective shares, and not for any other purpose; provided always, that the actual amount of capital subscribed and secured shall appear at the head of every policy issued by the said Company in words to this effect:—"Amount of capital actually subscribed and secured, £37,000," (*or as the case may be.*)

5. A general meeting of the members and stockholders of the said Corporation, or the major part of them, shall take place in the City of Saint John, by notice in one or more of the Newspapers published in the said City at least seven days previous to such meeting, which notice William J. Ritchie, or in case of his death, neglect, or refusal, any other of the persons incorporated in and by the first Section of this Act is hereby authorized and empowered to give, for the purpose of making, ordaining, and establishing such bye laws, ordinances, and regulations for the good order and management of the affairs of the said Corporation as they shall deem necessary, and also for the purpose of choosing five Directors, being members and stockholders of the said Corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which Directors shall, as soon thereafter as may be convenient, meet together and choose out of their number a President, and shall also appoint at the same time, or at any future meeting, a Secretary and so many and such other officers, clerks, servants, and agents, for carrying on the said business as they shall deem requisite and necessary, and shall at the same time, or at any future meeting, accept and receive what remains due on each subscriber or shareholder's share or subscription of the said sum of five thousand pounds, or give notice for the payment thereof at such time or times as they may appoint, and shall take from such subscriber such securities for the remainder of their subscriptions as is hereinbefore pointed out, and shall, after the payment of the said sum of five thousand pounds, commence the insuring operations of the said Insurance Company subject to the rules and regulations as hereinafter provided, and shall continue and serve to be Directors aforesaid

until the first annual meeting for the choice of Directors, as hereinafter made and provided, or until others are chosen in their room, provided the laws and ordinances at any time made shall be in no wise contrary or repugnant to the laws and statutes of this Province.

6. There shall be a general meeting of the stockholders and members of the said Corporation held annually on the first Tuesday in June in each and every year in the City of Saint John, at which annual meeting there shall be chosen by a majority of the said stockholders and members of the said Corporation then met, out of the said stockholders and members, five Directors, who shall continue in office for one year, or until others are chosen in their room, in the choice of which Directors the stockholders and members of the said Corporation shall vote according to the rules hereinafter mentioned; and the Directors, when chosen, or the major part of them, shall at the first meeting after their election choose out of their number a President, who is to be chosen by a majority of votes, each Director having one vote.

7. The Directors for the time being shall have power to do and execute all the matters and things contained in the preceding Sections of this Act, as far as the same may be left unexecuted by the Directors therein mentioned, and they shall manage the whole concerns of the said Corporation agreeably to this Act of Incorporation, and such bye laws, rules, and regulations as the stockholders and members may from time to time establish, and also do and execute all other matters and things that may be necessary and requisite for the benefit of the Corporation, and also shall have power to appoint such officers, clerks, and agents, and establish such agencies as they or the major part of them shall think necessary for executing the business of the said Corporation, and shall allow the said officers, clerks, agents, and servants, such compensation for their respective services as to them the said Directors shall appear reasonable and proper; all which, together with the expenses of buildings, house rent, and all other contingencies, shall be defrayed out of the funds of the said Corporation.

8. Not less than three Directors shall constitute a board for the transaction of business, of which the President shall always be one, except in case of sickness or necessary absence, in

which case the Directors present may choose one of their board as Chairman for the time being; the President shall vote at the board as a Director, and in case there be an equal number of votes for and against any question before them, the President shall have a casting vote.

9. The members and stockholders of said Corporation for the time being may make such compensation to the President and Directors as to them shall appear reasonable and proper.

10. No person shall be eligible as a Director unless such person is a stockholder, and holds not less than twenty shares of the capital stock of the said Corporation.

11. The number of votes to which each stockholder shall be entitled on every occasion when in conformity to the provisions of this Act the votes of the stockholders are to be given, shall be in the following proportion:—For one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares; which said number of twenty votes shall be the greatest that any stockholder shall be entitled to have; and every person may vote by proxy, provided such proxy be a stockholder, and previous to voting produce a sufficient authority from his constituent or constituents so to act.

12. In case any Director should disqualify himself by the sale, disposal, or transfer of his shares, or of any of them, so as to reduce his interest in said stock to less than twenty shares, required for the qualification of a Director, or in case of the removal of a Director by the stockholders for misconduct or mal-administration, his place shall be filled up by the said stockholders, fourteen days notice of the time and place of meeting being first given; and in case of any vacancy among the said Directors by death, resignation, or absence from the Province for three months, the said Directors shall or may fill up the same by choosing one of the stockholders, and the person so chosen by the said stockholders or Directors shall serve until another be chosen in his room.

13. The said Corporation shall have power and authority to make insurance on houses, mills, manufactories, buildings of all descriptions, public or private, ships, or other vessels on the stocks, or in the rivers, or in port, merchandise, moneys, goods, wares, chattels, and effects, against loss or damage by fire, and to fix the premium and terms; and all policies of insurance by them made shall be subscribed by the President, or in case of his death, absence, sickness, or inability, by any two of the Directors, and countersigned by the Secretary of the said Corporation, or in case of the sickness, absence, or inability of the Secretary, by such person or persons as the Directors or a majority of them may appoint to act in his stead, and shall be binding and obligatory upon the said Corporation and Company, and all losses duly arising under any policy so subscribed and countersigned, shall and may be adjusted and settled by the Board of Directors, and the same shall be binding on the said Corporation, and shall be paid to the assured within sixty days from such adjustment; provided always, that the said Directors shall not in any case make insurance on any single building, or goods contained therein, to an amount exceeding three thousand pounds.

14. All policies entered into on behalf of the said Company and Corporation by an agent or agents duly appointed by the Directors, or a majority thereof, shall in addition to the signing and countersigning required by the thirteenth Section of this Act, be also countersigned by the said agent or agents, and especially mention in the said policy the invalidity of such policy without such additional countersigning, and no policy entered into by any agent or agents of the said Company or Corporation, shall be obligatory upon the said Company or Corporation without these requisites are complied with.

15. It shall be the duty of the Directors of the said Corporation, or a quorum thereof, to make half yearly dividends of all the profits, rents, premiums, and interest of the said Corporation, payable at such time and place as the Directors, or a quorum thereof, shall appoint, of which they shall give ten days previous notice in one or more of the Newspapers published in the City of Saint John; provided always, that the moneys received for premium of risks which shall be undetermined and outstanding at the time of the making of such

dividends, shall not be considered as part of the said profits of the said Company ; and provided further, that if the amount of capital or stock paid as by this Act is required, shall be by any means reduced to a sum less than five thousand pounds, then in such case no dividend or dividends whatsoever shall be declared or made until a sum equal to the said sum of five thousand pounds shall be vested for the use of the said Company.

16. The said Corporation shall have full power and authority to take, receive, hold, possess, and enjoy in fee simple, any lands, tenements, and real estate, and rents to any amount not exceeding five thousand pounds ; provided nevertheless, that nothing herein contained shall prevent or restrain the said Corporation from investing the capital, or any reserved fund on mortgage on real estate, or from taking or holding real estate or chattels to any amount whatsoever by mortgage, taken as a collateral security for the payment of any sum or sums of money advanced by or debts due to the said Corporation, or for security of the payment of the amount of such part of the capital or stock of the said Corporation that shall at any time or times remain unpaid.

17. The capital or stock of the Company collected at each instalment, and at the times and manner hereinbefore provided, shall be by the said Directors invested and disposed of in such public funds, or to such public or corporate bodies or associations, or by letting the same out at interest, either upon the security of lands or real estate, or in such other manner as the said Directors may deem most for the interests of the Company.

18. It shall and may be lawful for the Directors of the said Corporation to use, apply, and dispose of the money arising in the course of the dealing of the said Corporation, and all the profits, rents, premiums, and interest thereof, by letting the same out at interest upon security of lands or real estate, or upon such security as the Directors thereof may think best for the interest of said Company, any thing contained in this Act to the contrary notwithstanding.

19. The shares, capital, or stock of the said Company, shall be assignable or transferable according to such rules and regulations as may by the members and stockholders be established in that behalf, but no assignment or transfer shall

be valid or effectual unless all claims of said Company against such stockholders shall be first fully paid and satisfied, and unless the said party to whom the same shall be transferred shall give the security required by this Act for the payment of the whole amount of said shares, and unless the stock certificate shall be delivered up, nor unless such assignment or transfer shall be entered and registered in a book to be kept by the Directors for that purpose, and in no case shall any fractional part of a share be assignable or transferable; and whensoever any stockholder shall transfer in manner aforesaid, all his or her stock or shares in the said Corporation to any other person or persons whomsoever, such person shall cease to be a member of the said Corporation, and the person or persons so purchasing shall become a member of the said Corporation in his or her stead, and be entitled to all the privileges as such.

20. In case of any loss or losses taking place which shall be equal to the capital or stock of the said Company, and the President and Directors after knowing of such loss or losses taking place, shall make any further policy of insurance, they and their estates, jointly and severally, shall be accountable for the amount of any and every loss which shall take place under such policy or policies so made.

21. The joint stock or property of the said Corporation shall be responsible for the debts and engagements of the said Corporation; and no person or persons who shall or may have dealings with the said Corporation, shall on any pretence whatsoever have recourse against the separate property of any present or future member or members of the said Corporation, or against their person or persons, further than has been hereinbefore provided, and may be necessary to secure the faithful application of the funds of this Corporation.

22. The bonds and other securities of what nature and kind soever taken for the payment of the residue of the said capital or stock as is hereinbefore directed, shall from time to time be renewed or changed when and as often as the said Directors, or a majority of them, may think expedient and necessary, and other and further security or securities for the same be given as is provided in and by the fourth Section of this Act; and in case of any refusal or delay to renew or change

any such security or securities, or to give or grant other and further security or securities therefor to the satisfaction of the said Directors, or a majority thereof, within thirty days after notice thereof given, then and in such case it shall and may be lawful to and for the said Directors, or a majority thereof, to cause such proceedings both in law or in equity, or either, as may be deemed requisite, to be taken for the recovery of the amount of such several security and securities; or it shall and may be lawful to and for the said Directors, or a majority thereof, if they shall think fit, to declare the shares in the said capital or stock, for the amount of the residue of which such security or securities shall have been given, forfeited to the said Company, together with all deposits, interests, instalments, profits, or dividends thereto belonging or appertaining; and such stock so forfeited shall be sold by public auction for and on account of the said Company, and the purchaser or purchasers thereof shall give such security or securities for the payment of the amount due to the said Company on account of such forfeited shares at the time of such forfeiture, as is hereinbefore provided, and shall likewise be subject to all provisions of this Act, any thing herein contained to the contrary thereof in any wise notwithstanding.

23. The books, papers, correspondence, and all other matters and things belonging to the said Corporation, shall at all times be subject to the inspection of the Directors, or any of them, but no stockholder not a Director shall inspect the account of any individual or corporate body with the said Company.

24. The Directors shall at the general meeting to be holden on the first Tuesday in June in every year, lay before the stockholders for their information, an exact and particular statement of the then state of the affairs and business of said Company, agreeably to the several regulations of this Act, and such other rules and regulations as may by the members and stockholders of the Corporation be made by virtue hereof, so as the same may contain a true account of the whole affairs of the said Corporation; which statement shall be signed by the Directors, or a majority of them, and attested on oath by the Secretary, or in case of his sickness, absence, or inability to attend, by such person or persons as the Directors, or any quorum thereof, may appoint to act in his stead.

25. Any number of stockholders not less than twenty, who together shall be proprietors of five hundred shares, shall have power at any time, by themselves or their proxies, to call a general meeting of the stockholders for any purpose relating to the business of the said Corporation other than a dissolution thereof, giving at least thirty days notice in two of the Newspapers published in the City of Saint John, and specifying in such notice the time and place of such meeting, with the objects thereof; and the Directors, or any three of them, shall have the like power at any time, upon observing the like formalities, to call a general meeting as aforesaid.

26. Any number of stockholders not less than thirty, who together shall be proprietors of fifteen hundred shares, shall have the power at any time, by themselves or their proxies, to call a general meeting of the stockholders for the purpose of taking into consideration the propriety of dissolving the said Company, giving at least three months previous notice in one or more of the Newspapers published in the City of Saint John, and specifying in such notice the time and place of such meeting, with the object thereof; and should it be agreed upon at such meeting that the said Company or Corporation should be dissolved, such stockholders are hereby authorized and empowered to take all legal and necessary ways and means to dissolve the said Company; and upon such or any other dissolution of the said Company, the Directors then in office shall take immediate and effectual measures for closing all the concerns of the said Corporation, and for dividing the capital and profits which may remain among the stockholders, in proportion to their respective interests.

27. The Secretary of the said Company shall on the first Thursday in January in each and every year, make a return of the state of the affairs of the said Company as they existed at three of the clock in the afternoon of that day, and shall forthwith transmit the same to the Office of the Secretary of the Province, which return shall specify the aggregate amount of the risks at that time taken by the said Company, the amount of losses incurred during the preceding year, the amount of capital actually paid in, and how the same has been invested and secured, also a particular statement of the manner in which the residue of the capital has been secured,

the amount of the dividends for the preceding year, and when declared, together with the amount of surplus profits then belonging to the said Company, and how the same have been invested and secured, and the amount of real estates owned by said Company; which return shall be signed by the Secretary of the said Company, or he shall make oath or affirmation, before some Magistrate qualified to administer oaths, to the truth of said return according to the best of his knowledge and belief; and the Secretary of the said Company shall also at the time hereinbefore mentioned, make a return under oath of the names of the stockholders and the amount of stock owned by each; and a majority of the Directors of the said Company shall certify, and make oath or affirmation before the same Magistrate as the said Secretary, that the books of the said Corporation indicate the state of facts so returned by their Secretary, and that they have full confidence in the truth of the return so made by him; and it shall be the duty of the Secretary of the Province annually to lay before the Legislature of this Province, as soon after the opening of the Session thereof as practicable, such returns as aforesaid as he may have received since the then last previous Session.

28. This Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and eighty four.

MARINE.

7th WILLIAM 4th—CHAPTER 54.

An Act to incorporate sundry persons by the name of The New Brunswick Marine Assurance Company.

Section.

1. Incorporation of Company.
2. Capital.
3. Number of shares to be held.
4. Deposit, when made.
5. Stock, how paid, and when Company to go into operation.
6. When meeting called to elect Directors, &c.
7. Annual meeting for choosing.
8. Directors, duties of.
9. Board of.
10. Directors not to have salary; exception.
11. Secretary to give security.
12. Qualification of Directors.

Section.

13. Votes of stockholders.
14. Directors, when chosen at other times.
15. When business to commence.
16. Marine insurances may be made, &c.
17. Dividends.
18. What real estate may hold.
19. Investment of capital.
20. Investment of other money.
21. In what not to trade, &c.
22. Shares assignable.
23. Directors, for what liable.
24. Debts, for what responsible.
25. Repealed.
26. Inspection of books, &c.

Section.

27. Statement of affairs, before whom laid, &c.
 28. Access to books, &c., by whom.
 29 & 30. Repealed.
 31. Statement of affairs, &c.
 32. Capital, increase of.

Section.

33. Increase stock, purchaser of, to make payments.
 34. Profits of, how divided.
 35. Repealed.
 36. Other stock, to what subject.
 37. Limitation.

Passed 1st March 1837.

WHEREAS the trade of this Province in shipping and navigation has of late greatly increased, and it is daily becoming more important, and it is expedient for the protection and encouragement thereof, to establish a Marine Assurance Company at the City of Saint John ;—

Be it therefore enacted, &c.—1. Stephen Wiggins, Robert W. Crookshank, Elisha DeWolfe Ratchford, Thomas Barlow, James T. Hanford, James Kirk, William Walker, John V. Thurgar, Hugh M'Kay, Noah Disbrow, John Kinnear, Edward L. Jarvis, William Jarvis, Ambrose S. Perkins, David Hatfield, John Wishart, and George Wheeler, their associates, successors, or assigns, be and they are hereby declared to be a body politic and corporate, by the name of "The New Brunswick Marine Assurance Company," and they shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province.

2. The capital or joint stock of the said Corporation shall consist of the sum of fifty thousand pounds, to be paid in such money as shall at the time of the several payments hereinafter expressed be a legal tender in this Province ; five thousand pounds, being one tenth part thereof, to be paid within ninety days after the passing of this Act ; five thousand pounds, one other tenth part of the said capital stock, within three calendar months after the expiration of the said ninety days ; and the remaining eight tenths of forty thousand pounds, to be paid at such time or times, and in such parts or portions as the Directors for the time being of the said Corporation, or a majority of them, shall from time to time think necessary ; the whole amount of the said capital stock to be divided into shares of twenty five pounds each, making in the whole two thousand shares.

3. No person or persons whatsoever, during the sixty days next after the passing of this Act, shall be entitled to hold or subscribe for more than fifty shares of the said capital stock ; and if the whole of the said capital stock shall not have been

subscribed for within the said sixty days, then and in such case it shall be lawful for any stockholder or stockholders to increase his, her, or their shares or subscriptions, to as many shares as he, she, or they may think proper.

4. All the subscribers for stock or shares in the said Corporation shall, previous to the day of the first general meeting of the members and stockholders of the said Corporation to be called as hereafter mentioned, pay into the hands of such person or persons as the persons mentioned by name in and by the first Section of this Act, or the major part of them, or in case of the death of any of them, the major part of the survivors may direct, a deposit of two and one half per centum upon the amount of capital stock of the said Corporation for which they shall have subscribed; and the said deposit shall be taken and allowed to every subscriber who shall pay the same, as part and out of the first one tenth part of the capital stock required to be paid in under and by virtue of this Act; and every subscriber who shall neglect or refuse to pay in the said deposit, shall for every share in respect of which he or she shall neglect or refuse to pay in, be deemed a defaulter, and the said share or shares shall be forfeited to the Corporation; and no subscriber shall upon any pretence whatever vote at the first general meeting in respect of any share or shares upon which he or she shall not have paid the said deposit.

5. Every stockholder or subscriber shall within the said ninety days after the passing of this Act, pay into the hands of the Directors for the time being of the said Corporation, or into the hands of such person or persons as they, or a majority of them shall appoint, one tenth part or ten per centum on the whole amount of his or her share or shares, deducting the deposit mentioned in the fourth Section of this Act, and shall give to the President and Directors hereinafter mentioned, good and satisfactory security or securities, either by bond and mortgage on real estate, or otherwise, at the option and to the satisfaction of the said President and Directors, or a majority of them, [the words here omitted are repealed by 2 V. c. 14, s. 1,] one other tenth part or ten per centum on the whole of his or her share or shares shall be paid to the said President and Directors for the time being of the said Corporation within three calendar months after the expiration of

the said ninety days ; and the residue of the whole amount of his or her share or shares shall be paid to the said President and Directors for the time being of the said Corporation, from time to time, and in such parts and portions, and in such manner as to them the said President and Directors, or a majority of them, shall seem advisable ; provided the amount so to be called in shall not exceed at any one time twenty per centum on the whole amount of the capital stock of the said Corporation belonging to any individual, and not less than thirty days notice of such payment being required shall be given in one or more of the Newspapers published in the said City of Saint John ; provided always, that the said Corporation shall not go into operation until the said sum of five thousand pounds shall have been paid, and shall then be in the vault or office of the said Corporation, or in one or more of the incorporated Banks established in the City of Saint John ; and as soon as the said sum of five thousand pounds shall have been so paid, the President shall give notice thereof to the Secretary of the Province for the time being, for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, who is hereby authorized, by and with the advice of His Majesty's Executive Council, to appoint three Commissioners, not being stockholders, whose duty it shall be to examine and count the money actually in the vault or office, or in one or more of the Banks as aforesaid, and to ascertain by the oaths of a majority of the Directors, (which oaths any one of His Majesty's Justices of the Peace for the City and County of Saint John is hereby authorized to administer) that one tenth part of the amount of the capital stock of the said Corporation has been paid in by the stockholders towards the payment of their respective shares, and not for any other purpose.

6. When five hundred shares of the capital stock of the said Corporation shall have been subscribed for, a general meeting of the members and stockholders of the said Corporation shall be called to take place in the City of Saint John, by notice in one or more of the public Newspapers published in the said City of Saint John fourteen days at least previous to the day of such meeting, which notice George Wheeler, Esquire, Barrister at Law, or in case of his death, neglect, or refusal,

any other one of the persons mentioned by name in and by the first Section of this Act, is hereby authorized and empowered to give, for the purpose of making, ordaining, and establishing such bye laws, ordinances, and regulations for the good order and management of the affairs of the said Corporation as they shall deem necessary, and also for the purpose of choosing nine Directors, being members and stockholders of the said Corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which Directors shall, as soon thereafter as may be convenient, meet together and choose out of their number a President, and shall also appoint at the same time, or at any future meeting, a Secretary and so many and such other officers, clerks, servants, and agents for carrying on the said business as they shall deem requisite and necessary, and shall at the same time, or at any future meeting, accept and receive what remains due of the first instalment of the ten per centum on each subscriber or stockholder's share or subscription, and shall take from such subscriber such securities for the remainder of their subscriptions as is hereinbefore pointed out, and shall commence the operations of the said Assurance Company subject to the rules and regulations as hereinafter provided, and shall continue and serve to be Directors aforesaid until the first annual meeting for the choice of Directors as is hereinafter made and provided, or until others are chosen in their room; provided that the laws and ordinances at any time made shall be in no wise contrary or repugnant to the laws and statutes of this Province.

7. There shall be a general annual meeting of the stockholders and members of the said Corporation held on the second Monday [the words here omitted are repealed by 2 V. c. 14, s. 6,] in each and every year after the present year one thousand eight hundred and thirty seven, at the City of Saint John, at which annual meeting there shall be chosen by the majority of the stockholders and members of the said Corporation then present, or represented by proxy, out of all the stockholders and members of the said Corporation, nine Directors, who shall continue in office for one year, or until others are chosen in their room, in the choice of which Directors the stockholders and members of the said Corporation shall vote according to the rule hereinafter mentioned; and the Directors, when chosen,

or the majority of them, shall at their first meeting after their election choose out of their number a President, who is to be chosen by a majority of votes, each Director having one vote; provided always, that five of the Directors in office shall be re-elected at such annual meeting for the next succeeding year, of whom the President shall always be one.

8. The Directors for the time being of the said Corporation shall have power to do and execute all the matters and things contained in the preceding Sections of this Act, as far as the same may be left unexecuted by the Directors therein mentioned, and they shall manage the whole concerns of the said Corporation agreeably to this Act of Incorporation, and such bye laws, rules, and regulations as the stockholders and members thereof may from time to time establish, and also do and execute all other matters and things that may be necessary and requisite for the benefit of the said Corporation, and also shall have power to appoint and to remove at pleasure, a Secretary and such other officers, clerks, and agents as they, or the major part of them, shall think necessary for executing the business of the said Corporation, and shall allow the said secretary, officers, clerks, agents, and servants such compensation for their respective services as to them the said Directors shall appear reasonable and proper; all which, together with the expenses of buildings, house or office rent, and all other contingencies, shall be defrayed out of the funds of the said Corporation.

9. Not less than three Directors shall constitute a board for the transaction of business, of which the President shall always be one, except in case of sickness or necessary absence, in which case the Directors present may choose one of their board as Chairman for the time being; all questions relating to any business to be transacted at the board shall be decided by a majority of the votes of the Directors then present, and no Director shall have more than one vote, except the President, or Chairman so chosen as aforesaid, who shall vote at the board as a Director, and shall also have a casting vote in all questions where the votes shall happen to be equal.

10. No Director shall be entitled to any salary or emolument for his services, but the members and stockholders for the time being of the said Corporation may make such com-

pensation to the President as to them shall appear reasonable and proper.

11. Every person hereafter to be appointed Secretary to the said Corporation, shall before he enters upon the duties of his office give a bond to the said Corporation, with two or more sureties to be approved of by the Directors, in a sum not less than five thousand pounds, with a condition for his good and faithful behaviour in the said office of Secretary.

12. No person shall be eligible as a Director unless such person is a stockholder, and holds not less than twenty shares of the capital stock of the said Corporation in his own right.

13. On every occasion when in conformity to the provisions of this Act the votes of the stockholders are to be given, every stockholder may vote by proxy, provided such proxy be a stockholder, and previous to voting produce a sufficient authority in writing from his constituent or constituents so to act; that all questions be decided by a majority of the votes of all the stockholders then present or represented by proxy; and the number of votes which each stockholder shall be entitled to give, shall be one vote for each share he may hold in the capital stock of the said Corporation, provided that no stockholder shall hold at any one time more than five proxies; and provided also, that no stockholder shall be allowed to give more than one hundred votes upon any question, either in respect of his own shares or in respect of any proxy or proxies of which he may be the holder.

14. If it should so happen that the Directors should not be chosen on the second Tuesday in April in any year as aforesaid, it shall and may be lawful to choose them on any other day, between the hours of eleven in the forenoon and four in the afternoon of the said day, upon giving fourteen days notice of the time and place of meeting, which shall take place in the said City of Saint John; and in case any Director should disqualify himself by the sale, disposal, or transfer of his shares, or of any of them, so as to reduce his interest in the said capital stock to less than twenty shares required for the qualification of a Director, or in case of the removal of a Director by the stockholders for misconduct or mal-administration, his place shall be filled up by the said stockholders, fourteen days notice of the time and place of meeting being first given; and in case

of any vacancy among the said Directors by death, resignation, or absence from the Province for three months, the said Directors for the time being shall and may if they shall think fit, fill up the same by choosing one of the said stockholders, and the person so chosen by the said stockholders or by the said Directors, shall serve until another be chosen in his room.

15. As soon as the first instalment of five thousand pounds shall have been actually paid in manner and form as is hereinbefore provided on account of the subscriptions to the said capital stock, notice thereof shall be given in one or more of the Newspapers published in this Province, and the Directors shall commence with the business and operations of the said Corporation; provided always, that no insurance shall be effected, nor shall any policy be signed in manner as herein-after provided, until the said sum of five thousand pounds shall be actually paid in and received on account of the subscriptions to the capital stock of the said Corporation.

16. The said Corporation shall have power and authority to make marine insurance on vessels, freights, moneys, goods, and effects, and in case of money lent upon bottomry and respondentia, and to fix the premiums and terms of payment; and all policies of insurance by them made shall be subscribed by the President, or in case of his death, absence, sickness, or inability, by any two of the Directors, and shall be countersigned by the Secretary of the said Corporation, or in case of the sickness, absence, or inability of the said Secretary, then by such person or persons as the Directors, or a majority of them, may appoint to act in his stead, and shall be binding and obligatory on the said Corporation; and all losses duly arising under any policy so subscribed and countersigned shall and may be adjusted and settled by the Board of Directors, and the same shall be binding on the said Corporation, and shall be paid to the assured within sixty days after such adjustment; provided always, that the said Directors shall not in case make insurance on any single risk to an amount exceeding five thousand pounds.

17. It shall be the duty of the Directors of the said Corporation, or a quorum thereof, to make half-yearly dividends of all the profits, rents, premiums, and interest of the said Corporation, or of so much thereof as they shall think fit, payable

at such time and place as the said Directors, or a quorum thereof, shall appoint, of which they shall give thirty days previous notice in one or more of the Newspapers published in this Province; provided that the moneys received and notes taken for premiums of risks which shall be undetermined and outstanding at the time of making any such dividend, shall not be considered as part of the said profits of the said Corporation; and provided further, that if the amount of the capital stock paid as by this Act is required shall be by any means reduced to a sum not less than ten thousand pounds, then and in such case no dividend or dividends whatsoever shall be declared or made, until a sum equal to the said sum of ten thousand pounds shall be vested for the use of the said Corporation.

18. The said Corporation shall have full power and authority to take, receive, hold, possess, and enjoy any lands, tenements, and real estate, and rents, to any amount not exceeding five thousand pounds; provided nevertheless, that nothing herein contained shall prevent or restrain the said Corporation from taking or holding real estate or chattels to any amount whatsoever by mortgage, taken as collateral security for the payment of any sum or sums advanced by or debts due to the said Corporation, or for the security of the payment of the amount of such part of the capital stock of the said Corporation as shall at any time or times remain unpaid.

19. The capital stock of the said Corporation collected at each instalment, and at the times and manner hereinbefore provided, shall be by the said Directors invested and disposed of in such public funds, or to such public or corporate bodies, or associations or joint companies as may by the said Directors be deemed advisable; and in the event of there being no public funds, or public or corporate bodies, or associations or joint companies to which the same can be advantageously lent and disposed of, or in which the same can be safely invested, then it shall and may be lawful for the said Directors, or a majority of them, to apply the same and dispose thereof by letting the same out at interest upon the security of lands or upon other security as they may think fit; provided also, that no moneys of the said Corporation shall be put out at interest, nor any security taken for the same either by bond or mortgage, or bill or note, or otherwise, for a shorter period than one year; pro-

vided also, that no loan of the capital stock at any time to be created under the provisions of this Act, or any part thereof, shall be made directly or indirectly to any Director of the said Company, nor shall any such Director be a party to any security for any such loan; and no stockholder to whom any part of the said capital stock shall have been lent shall be eligible as a Director while the loan continues.

20. It shall and may be lawful to and for the Directors of the said Corporation to use, apply, and dispose of the moneys arising in the course of the dealing of the said Corporation, and all the profits, rents, premiums, and interest thereof, by letting the same out at interest either upon the security of lands or other property, or otherwise, as the Directors thereof may think fit, any thing contained in this Act to the contrary notwithstanding; and the restrictions as to loans to Directors, and to the eligibility as Directors of stockholders to whom money may have been loaned, which are contained in the last preceding Section with regard to the capital stock, shall extend and apply in all respects to any loans of money to be made by virtue of this present Section in like manner as if the same were repeated herein.

21. The said Corporation shall not directly or indirectly deal or trade in buying or selling any goods, wares, merchandise, or commodities whatsoever; provided nevertheless, that it shall be lawful for the said Corporation to take, receive, hold, possess, and enjoy any ships, goods, merchandise, chattels, or commodities whatsoever which shall have been abandoned to the said Corporation by reason of any loss or damage having occurred to the same, and shall and may sell and dispose of the same at such time or times and in such manner as to the said Directors for the time being shall seem expedient.

22. The shares or capital stock of the said Corporation shall be assignable or transferable according to such rules and regulations as may be by the members and stockholders established in that behalf, but no assignment or transfer shall be valid or effectual unless such assignment or transfer shall be entered and registered in a book to be kept by the Directors for that purpose, and in no case shall any fractional part of a share be assignable or transferable; and whenever any stockholder shall transfer in manner aforesaid all his or her stock

or shares in the said Corporation to any other person or persons whomsoever, such person shall cease to be a member of the said Corporation, and the person or persons so purchasing shall become a member of the said Corporation in his or her stead, and be entitled to all the privileges and subject to all the liabilities as such.

23. In case of any loss or losses taking place which shall be equal to the capital stock of the said Corporation, and the President and Directors after knowing of such loss or losses taking place shall make any further policy of assurance, they and their estates, jointly and severally, shall be accountable for the amount of any and every loss which shall take place under such policy or policies so made.

24. The joint stock or property of the said Corporation shall be alone responsible for the debts and engagements of the said Corporation, and no person or persons who shall or may have dealings with the said Corporation shall on any pretence whatsoever have recourse against the separate property of any present or future member or members of the said Corporation, or against their person or persons further than is in this Act provided.

25. Repealed by 2 V. c. 14, s. 3.

26. The books, papers, correspondence, and all other matters and things belonging to the said Corporation, shall at times be subject to the inspection of the Directors, or any of them, but no stockholder not a Director shall inspect the account of any individual or corporate body with the said Corporation.

27. The Directors shall at the general meeting to be holden on the second Monday [the words here omitted are repealed by 2 V. c. 14, s. 6,] in each and every year, lay before the stockholders for their information, an exact and particular statement in triplicate of the then state of the affairs and business of the said Corporation, agreeably to the several regulations of this Act, and such other rules and regulations as may by the members and stockholders of the said Corporation be made by virtue hereof, so as the same may contain a true account of the whole of the affairs of the said Corporation; which statement in triplicate as aforesaid, shall be signed by the Directors, and attested on oath or affirmation by the Secre-

tary, or in case of his sickness, absence, or inability to attend, by such person or persons as the Directors, or any quorum thereof, may appoint to act in his stead, and shall be transmitted to the Secretary of the Province, for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, and the Legislature; provided always, that the rendering such statement shall not extend to give any right to the stockholders, not being Directors, to inspect the account of any individual or individuals with the said Corporation.

28. Any joint Committee hereafter to be appointed by the Honorable the Legislative Council and the House of Assembly, for the purpose of examining into the proceedings of the Corporation, shall either during the Session or prorogation of the General Assembly, have free access to all the books and accounts of the same.

29 & 30. Repealed by 2 V. c. 14, s. 3.

31. The Secretary of the said Corporation shall on the first Thursday in January in each and every year, make a return in triplicate of the state of the affairs of the said Corporation as they existed at three of the clock in the afternoon of that day, and shall forthwith transmit the same to the Office of the Secretary of the Province; which return shall specify the aggregate amount of the risks at that time taken by the said Corporation, the amount of losses incurred during the preceding year, the amount of capital actually paid in, and how the same has been invested and secured, also a particular statement of the manner in which the residue of the capital has been secured, the amount of the dividends for the preceding year, and when declared, together with the amount of surplus profits, if any, then belonging to the said Corporation, and how the same have been invested and secured, the amount of real estate owned by the said Corporation, together with a particular statement of all other the affairs of the said Corporation; which return shall be signed by the Secretary of the said Corporation, who shall make oath or affirmation before some Justice of the Peace for the City and County of Saint John to the truth of the said return according to the best of his knowledge or belief; and the Secretary of the said Corporation shall also at the same time make a return under oath or

affirmation of the names of the stockholders, and the amount of stock owned by each ; and a majority of the Directors of the said Corporation shall certify and make oath or affirmation before the same Justice of the Peace, that the books of the said Corporation indicate the state of facts so returned by their Secretary, and they have full confidence in the truth of the return so made by him ; and it shall be the duty of the Secretary of the Province annually to lay before the Legislature of this Province, so soon after the opening of the Session as practicable, such returns as aforesaid as he may have received since the then next previous Session.

32. If at any time it shall be deemed expedient to increase the capital stock of the said Corporation, the stockholders of the said Corporation shall and they are hereby authorized and empowered from time to time hereafter, at any general meeting to be for that purpose called and holden, to increase the capital stock of the said Corporation by such additional amounts, not less at any one time than ten thousand pounds, and not exceeding in all the sum of fifty thousand pounds, as they may deem expedient ; which additional stock shall be divided into shares of twenty five pounds each, and shall be sold and disposed of at public auction to the highest bidder, at such times and places as the said stockholders at such general meeting as aforesaid shall appoint, sixty days notice of such sales respectively being first given in two or more of the Newspapers published in the City of Saint John and in Fredericton.

33. An instalment of ten per centum on the whole amount of the additional shares which may be sold from time to time as aforesaid, shall be paid down at the time of such sales respectively, and a second instalment of ten per centum on the amount of the said additional shares, together with the whole amount of any advance or premium at which they may have been respectively sold, shall be paid within thirty days after the day of every such sale respectively, and the residue of the whole amount of the said additional shares shall be paid at such time or times, and in such parts or portions as the Directors for the time being of the said Corporation, or a majority of them, shall from time to time think necessary ; and every purchaser of the said additional shares shall at the time of such sales respectively pay down the said first instalment of ten per

centum on the whole amount of the said additional shares so purchased by him or her, and shall also at the same time give to the said Corporation good and satisfactory security, either by bond and mortgage on real estate, or otherwise, at the option and to the satisfaction of the said Directors for the time being of the said Corporation, or a majority of them, [the words here omitted are repealed by 2 V. c. 14, s 1,] that the said second instalment of ten per centum on the amount of the said additional shares, together with the whole amount of any advance or premium at which they may have been respectively sold, shall be paid within thirty days next after the day of every such sale respectively, and the residue of the whole amount of the said additional shares so purchased by him or her, shall be paid from time to time, and in such parts or portions, and in such manner as to them the said Directors, or a majority of them, shall seem advisable; provided that the whole amount so to be called in shall not exceed at any one time twenty per centum on the whole amount of the said additional shares belonging to any individual, and not less than thirty days notice of such payment being required shall be given in one or more of the Newspapers published in the said City of Saint John.

34. The whole amount of the advance or premium at which the said additional shares, or any of them, shall have been sold (if any such advance or premium there be,) first deducting thereout the charges of such sale, shall be divided in equal proportions to and among all the shares in the capital stock of the said Corporation, as well the said additional shares as the original shares, and such dividend of the advance or premium shall be declared and paid by the said Directors at the time of declaring and paying the next succeeding half-yearly dividend.

35. Repealed by 2 V. c. 14, s. 3.

36. All and every the said additional shares in the capital stock of the said Corporation to be created and sold under and by virtue of the provisions of this Act, and the several and respective holders thereof, shall at all times be subject and liable to all and singular the rules, regulations, clauses, and provisions hereinbefore mentioned and contained in regard to the original shares in the capital stock of the said Corporation, save and except only as in and by this Act is otherwise provided.

37. This Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty seven.

2nd VICTORIA—CHAPTER 14.

An Act to amend an Act intituled *An Act to incorporate sundry persons by the name of the New Brunswick Marine Assurance Company.*

Section.

1. Parts of what Act repealed.
2. Bonds for residue of capital, how renewed, &c.
3. What Sections of Act repealed.

Section.

4. Who may call general meetings.
5. For dissolving company, who may call.
6. Annual general meeting, when held.
7. Limitation.

Passed 23rd March 1839.

Be it enacted, &c.—1. So much of the fifth Section of an Act made and passed in the seventh year of the Reign of His late Majesty King William the Fourth, intituled *An Act to incorporate sundry persons by the name of the New Brunswick Marine Assurance Company,* as requires the bonds or other securities given for the payment of the residue of the capital stock of the said Corporation to be renewed at least as often as once in every year, and also so much of the thirty third Section of the said recited Act as requires the bonds or other securities that may be given for the payment of the residue of any additional shares of the capital stock that may at any time hereafter be created by virtue of the provisions of the said recited Act, to be renewed in like manner, at least as often as once in every year, be and the same are hereby repealed; and in lieu thereof,—

2. The said bonds and other securities of what nature or kind soever already taken or hereafter to be taken for the payment of the residue of the said capital stock, as well as those which may hereafter be taken for the payment of the residue of the said additional shares, and all and every and any of them, shall from time to time be renewed or changed, and such further or other security or securities for the same be given as the Directors of the said Corporation, or a majority of them, shall from time to time require; and in case of any refusal or delay to renew or change any such security or securities, and to give and grant other and further security or securities therefor to the satisfaction of the said Directors, or a majority

thereof, within thirty days after notice thereof given, then and in such case it shall and may be lawful to and for the said Directors, or a majority of them, to cause such proceedings both in law and equity, or either, as may be deemed requisite to be taken for the recovery of the amount of such several and respective securities, or it shall and may be lawful to and for the said Directors, or a majority of them, if they shall think fit, to declare the shares in the capital stock of the said Corporation, for the amount of the residue of which such security or securities shall have been given, forfeited to the said Corporation, together with all deposits, instalments, interest, profits, or dividends thereto belonging or appertaining; and such stock so forfeited shall be sold by public auction for and on account of the said Corporation, and the purchaser or purchasers thereof shall give such security or securities for the payment of the amount due to the said Corporation on account of such forfeited shares at the time of such forfeiture, as is hereinbefore provided, and shall likewise be subject to all the provisions of this Act, and of the said recited Act to which this is an amendment, any thing therein contained to the contrary notwithstanding.

3. The twenty fifth, twenty ninth, thirtieth, and thirty fifth Sections of the said recited Act, be and the same are hereby repealed.

4. Any number of stockholders not less than twenty, who together shall be proprietors of at least five hundred shares, shall have power at any time, by themselves or their proxies, to call a general meeting of the stockholders for any purpose relating to the business of the said Corporation other than a dissolution thereof, giving at least thirty days notice in two of the Newspapers published in this Province, and specifying in such notice the time and place of such meeting, with the objects thereof; and the Directors, or any five of them, shall have the like powers at any time, upon observing the like formalities, to call a general meeting as aforesaid.

5. And number of stockholders not less than thirty, who together shall be proprietors of one thousand shares in the capital stock of the said Corporation, shall have the power at any time, by themselves or their proxies, to call a general meeting of the stockholders for the purpose of taking into con-

sideration the propriety of dissolving the said Corporation, giving at least three months previous notice in two or more of the Newspapers published in this Province, and specifying in such notice the time and place of such meeting, with the objects thereof; and should it be agreed upon at such meeting that the said Corporation should be dissolved, such stockholders are hereby authorized and empowered to take all legal and necessary ways and means to dissolve the said Corporation, and upon such or any other dissolution of the said Corporation, the Directors then in office shall take immediate and effectual measures for closing all the concerns of the said Corporation, and for dividing the capital and profits or loss which may remain among the stockholders in proportion to their respective interests.

6. So much of the seventh and twenty seventh Sections of the said Act as appoints the general meeting of the stockholders and members of the said Corporation to be held on the second Monday in April in each and every year, be and the same is hereby repealed; and in lieu thereof, there shall be a general meeting of the stockholders and members of the said Corporation held on the second Monday of July in each and every year, for the purposes set forth in the said seventh and twenty seventh Sections of said Act.

7. This Act shall continue and be in force for and during the continuance of the said recited Act, and no longer.

8th VICTORIA—CHAPTER 48.

An Act to incorporate sundry persons by the name of The Globe Assurance Company.

Section.

1. Incorporation of Company.
2. Capital.
3. Number of shares, what allowed, and for what time.
4. Deposit before election of Directors.
5. Stockholders, when and how to pay.
6. When meeting to be called for choosing Directors, &c.
7. Annual meeting for same.
8. Powers of Directors.
9. Board for business.
10. Director not to have salary.
11. Secretary to give security.
12. Qualification of Directors.
13. Stockholders' votes.
14. Directors, when may be chosen at other times.
15. When may commence business.

Section.

16. What assurances may make, &c.
17. Dividends.
18. What real estate may hold.
19. Investment of capital.
20. Investment of other moneys.
21. In what not to trade, &c.
22. Shares assignable.
23. Directors, when liable.
24. What responsible for debts.
25. Securities for capital, how renewed, &c.
26. Inspection of books, &c.
27. Statement of affairs, before whom laid.
28. Access to books, by whom.
29. Special meetings, by whom called.
30. Meeting to dissolve, by whom to be called.
31. Statement of affairs, when made up, &c.
32. Limitation.

Passed 27th March 1845.

WHEREAS the Trade of this Province in Shipping and Navigation has of late greatly increased, and it is expedient for the protection and encouragement thereof to establish another Marine Assurance Company at the City of Saint John;—

Be it therefore enacted, &c.—1. Stephen Wiggins, John Kerr, the Honorable John Robertson, John Wishart, Charles C. Stewart, John Owens, Thomas Leavitt, John Ward, Junior, William Parks, John Duncan, the Honorable R. L. Hazen, W. O. Smith, William H. Street, Nathan S. Demill, Thomas Wallace, John V. Thurgar, and Robert D. Wilnot, their associates, successors, or assigns, be and they are hereby declared to be a body politic and corporate, by the name of “The Globe Assurance Company,” and they shall have all the powers and privileges made incident to a Corporation by Act of Assembly in this Province.

2. The capital or joint stock of the said Corporation shall consist of the sum of thirty thousand pounds, to be paid in such money as shall at the time of the several payments hereinafter expressed be a legal tender in this Province; three thousand pounds, being one tenth part thereof, to be paid within ninety days after the passing of this Act; three thousand pounds, one other tenth part thereof, within six calendar months after the expiration of the said ninety days; and the remaining eight tenths to be paid at such time or times, and in such parts or portions as the Directors for the time being of the said Corporation, or a majority of them, shall from time to time think necessary; the whole amount of the said capital stock to be divided into shares of twenty five pounds each, making in the whole twelve hundred shares.

3. No person or persons whatsoever during the sixty days next after the passing of this Act, shall be entitled to hold or subscribe for more than fifty shares of the said capital stock, and if the whole of the same shall not have been subscribed for within the said sixty days, then it shall be lawful for any stockholder or stockholders to increase his, her, or their subscription to as many shares as he, she, or they may think proper.

4. All the subscribers for stock or shares in the said Corpo-

ration shall, previous to the day of the first general meeting of the members and stockholders of the said Corporation to be called as hereafter mentioned, pay into the hands of such person or persons as the persons mentioned by name in the first Section of this Act, or the major part of them, or in case of the death of any of them, the major part of the survivors may direct, a deposit of two and one half per cent. on the amount of capital stock of the said Corporation for which they shall have subscribed ; and the said deposit shall be taken and allowed to every subscriber who shall pay the same, as part of the capital, and out of the first one tenth part of the capital stock required to be paid in under and by virtue of this Act ; and every subscriber who shall neglect or refuse to pay in the said deposit, shall for every share in respect of which he or she shall neglect or refuse to pay in, be deemed a defaulter, and the said share or shares shall be forfeited to the Corporation ; and no subscriber shall upon any pretence whatever vote at the said first general meeting in respect of any share or shares upon which he or she shall not have paid the said deposit.

5. Every stockholder or subscriber shall within the said ninety days after the passing of this Act, pay into the hands of the Directors for the time being of the said Corporation, or into the hands of such person or persons as they, or a majority of them, shall appoint, one tenth part of the whole amount of his or her share or shares, deducting the deposit mentioned in the fourth Section of this Act ; and shall give to the President and Directors hereinafter mentioned, satisfactory security either by bond or mortgage on real estate, or otherwise, at the option and to the satisfaction of the said President and Directors, or a majority of them, renewable as often as the said President and Directors, or a majority of them, shall require, that one other tenth part on the whole of his or her shares shall be paid to the said President and Directors for the time being of the said Corporation, within six calendar months after the expiration of the said ninety days ; and the residue of the whole amount of his or her share or shares shall be paid to the said President and Directors for the time being of the said Corporation, in such parts and portions, and in such manner as to them the said President and Directors, or a majority of

them, shall seem advisable ; provided that the amount so to be called in shall not exceed at any one time twenty per centum on the whole amount of the capital stock of the said Corporation belonging to any individual, and not less than thirty days notice of such payment being required shall be given in one or more of the Newspapers published in the said City of Saint John ; provided always, that the said Corporation shall not go into operation until the said sum of three thousand pounds shall have been paid, and shall then be in the vault or office of the said Corporation, or in one or more of the incorporated Banks in the said City of Saint John ; and as soon as the said sum of three thousand pounds shall have been paid, the President shall give notice thereof to the Secretary of the Province for the time being, for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, who is hereby authorized, by and with the advice of Her Majesty's Executive Council, to appoint three Commissioners, not being stockholders, whose duty it shall be to examine and count the money actually in the vault or office, or in one or more of the Banks as aforesaid, and to ascertain by the oaths of a majority of the Directors, that one tenth part of the amount of the capital stock of the said Corporation has been paid in by the stockholders towards the payment of their respective shares, and not for any other purpose.

6. When five hundred shares of the capital stock of the said Corporation shall have been subscribed for, a general meeting of the members and stockholders of the said Corporation shall be called to take place in the City of Saint John, by notice in one or more of the public Newspapers published in the said City, fourteen days at least previous to the day of such meeting, which notice William H. Street, Esquire, or in case of his death, neglect, or refusal, any other one of the persons mentioned in the first Section of this Act is hereby authorized and empowered to give, for the purpose of making and establishing such bye laws and regulations for the good order and management of the affairs of the said Corporation as they shall deem necessary, and also for the purpose of choosing seven Directors, being members and stockholders of the said Corporation, under and in pursuance of the rules and regulations hereinafter made ; which Directors shall, as soon thereafter as may

be convenient, meet together and choose out of their number a President, and shall also appoint at the same time, or at any future meeting, a Secretary, and so many and such other officers, clerks, servants, and agents for carrying on the said business as they shall deem requisite ; and shall at the same time, or at any future meeting, accept and receive what remains due of the first instalment of the ten per cent. on each stockholder's share or subscription, and shall take from each subscriber such securities for the remainder of their subscriptions as is hereinbefore pointed out, and shall commence the operations of the said Company subject to the rules and regulations as hereinbefore provided, and shall continue and serve to be Directors until the first annual meeting for the choice of Directors as is hereinafter made and provided, or until others are chosen in their room ; provided that the laws and ordinances at any time made shall be in no wise contrary or repugnant to the laws of this Province.

7. There shall be a general meeting of the stockholders of the said Corporation held on the first Monday in July in each and every year after the present year one thousand eight hundred and forty five, at the City of Saint John, at which annual meeting there shall be chosen by a majority of the stockholders of the said Corporation then present, or represented by proxy, out of all the stockholders of the said Corporation, seven Directors, who shall continue in office for one year, or until others are chosen in their room ; in the choice of which Directors the stockholders of the said Corporation shall vote according to the rule hereinafter mentioned ; and the Directors, when chosen, or the majority of them, shall at their first meeting after their election choose out of their number a President, who is to be chosen by a majority of votes ; provided always, that four of the Directors in office shall be re-elected, of whom the President shall always be one.

8. The Directors for the time being of the said Corporation shall have power to do and execute all the matters and things contained in the preceding Sections of this Act, as far as the same may be left unexecuted by the Directors therein mentioned, and they shall manage the whole concerns of the said Corporation agreeably to this Act of Incorporation, and such bye laws, rules, and regulations as the stockholders thereof

may from time to time establish, and also do and execute all other matters and things that may be necessary for the benefit of the said Corporation, and also shall have power to appoint and to remove at pleasure, a Secretary and such other officers, clerks, and agents as they, or the major part of them, shall think necessary for executing the business of the said Corporation, and shall allow the said Secretary, officers, clerks, and agents such compensation for their respective services as to them the said Directors, shall appear reasonable and proper ; all which, together with the expenses of buildings, house, or office rent, and all other contingencies, shall be defrayed out of the funds of the Corporation.

9. Not less than three Directors shall constitute a board for the transaction of business, of which the President shall always be one, except in case of sickness or necessary absence, in which case the Directors present may choose one of their board as Chairman for the time being ; all questions relating to any business to be transacted at the board shall be decided by a majority of the votes of Directors then present, and no Director shall have more than one vote, except the President or Chairman so chosen as aforesaid, who shall vote at the board as Director, and shall also have a casting vote in all questions when the votes shall happen to be equal.

10. No Director shall be entitled to any salary or emolument for his services, but the stockholders of the said Corporation may make such compensation to the President as to them shall appear reasonable.

11. Every person hereafter to be appointed Secretary to the said Corporation shall, before he enters upon the duties of his office, give a bond to the said Corporation, with two or more sureties to be approved of by the Directors, in a sum not less than three thousand pounds, with a condition for his good and faithful behaviour in the said office of Secretary.

12. No person shall be eligible for a Director unless such person is a stockholder, and holds not less than twenty shares of the capital stock of the said Corporation in his own right.

13. On every occasion when in conformity to the provisions of this Act the votes of the stockholders are to be given, every stockholder may vote by proxy, provided such proxy be a stockholder, and previous to voting produce a sufficient autho-

urity in writing from his constituent or constituents so to act ; that all questions be decided by a majority of the votes of the stockholders then present, or represented by proxy, and the number of votes which each shall be entitled to shall be one vote for each share he or she may hold in the capital stock of the said Corporation ; provided that no stockholder shall hold at any one time more than five proxies ; and provided also, that no stockholder be allowed to give more than sixty votes upon any question, either in respect of his own shares, or in respect of any proxy or proxies of which he may be the holder.

14. If it should happen that the Directors should not be chosen on the first Monday in July in any year as aforesaid, it shall and may be lawful to choose them on any other day, between the hours of eleven in the forenoon and four in the afternoon of the said day, upon giving fourteen days notice of the time and place of meeting, which shall take place in the said City of Saint John ; and in case any Director shall disqualify himself by the sale, disposal, or transfer of his shares, or any of them, so as to reduce his interest in the capital stock to less than twenty shares, or in case of the removal of a Director by the stockholders for misconduct or mal-administration, his place shall be filled up by the said stockholders, fourteen days notice of the time and place of meeting being first given ; and in case of any vacancy among the said Directors by death, resignation, or absence from the Province for three months, the said Directors for the time being shall and may if they shall think fit, fill up the same by choosing one of the said stockholders, and the person so chosen by the said stockholders, or by the said Directors, shall serve until another be chosen in his room.

15. As soon as the said first instalment of three thousand pounds shall have been actually paid in manner and form as is hereinbefore provided, on account of the subscriptions to the said capital stock, notice thereof shall be given in one or more of the Newspapers published in this Province, and the Directors shall commence with the business and operations of the said Corporation ; provided always, that no insurance shall be effected until the said sum of three thousand pounds shall be actually paid in and received on account of the subscriptions to the capital stock of the said Corporation.

16. The said Corporation shall have power to make marine insurance on vessels, freights, moneys, goods, and effects, and in case of money lent upon bottomry and respondentia, and to fix the premiums and terms of payment; and all policies of insurance by them made shall be subscribed by the President, or in case of his death, absence, sickness, or inability, by any two of the Directors, and shall be countersigned by the Secretary of the said Corporation, or in case of the sickness, absence, or inability of the said Secretary, then by such person as the Directors, or a majority of them, may appoint, and shall be binding and obligatory on the said Corporation; and all losses duly arising under any policy so subscribed and countersigned, shall and may be adjusted and settled by the Board of Directors, and the same shall be binding on the said Corporation, and shall be paid to the assured within sixty days after such adjustment; provided always, that the said Directors shall not in any case make insurance on any single risk to an amount exceeding three thousand pounds.

17. It shall be the duty of the Directors of the said Corporation, or a quorum thereof, to make half-yearly dividends of all the profits, rents, premiums, and interest of the said Corporation, or of so much thereof as they shall think fit, payable at such time and place as the said Directors, or a quorum of them, may appoint, of which they shall give thirty days notice in one or more of the Newspapers published in this Province; provided that the moneys received, and notes taken for premiums of risks which shall be undetermined and outstanding at the time of making any such dividend, shall not be considered a part of the profits of the said Corporation; and provided further, that if the amount of the capital stock paid as by this Act is required, shall be by any means reduced to a sum not less than six thousand pounds, then and in such case no dividend or dividends whatsoever shall be declared or made until a sum equal to the said sum of six thousand pounds shall be vested for the use of the said Corporation.

18. The said Corporation shall have full power and authority to take, receive, hold, and enjoy any lands, tenements, and real estate, and rents, to any amount not exceeding three thousand pounds; provided that nothing herein contained shall prevent the said Corporation from taking or holding real

estate or chattels to any amount whatsoever by mortgage, taken as collateral security for the payment of any sum or sums advanced by or debts due to the said Corporation, or for security of the payment of the amount of such part of the capital stock of the said Corporation as shall at any time or times remain unpaid.

19. The capital stock of the said Corporation collected at each instalment and at the times hereinbefore provided, shall be by the said Directors invested and disposed of in such public funds, or to such public or corporate bodies, or associations or joint companies, as may by the said Directors be deemed advisable; and in the event of there being no public funds, or public or corporate bodies, or associations or joint companies, to which the same can be advantageously lent and disposed of, or in which the same can be safely invested, then it shall and may be lawful for the said Directors, or a majority of them, to apply the same and dispose thereof by letting the same out at interest upon the security of lands, or upon other security as they may think fit; provided always, that no moneys of the said Corporation shall be put out at interest, nor any security be taken for the same, either by bond or mortgage, or bill, or note, or otherwise, for a shorter period than one year; provided also, that no loan of the capital stock at any time to be created under the provisions of this Act, or any part thereof, shall be made directly or indirectly to any Director of the said Company, nor shall any such Director be a party to any security for any such loans, and no stockholder to whom any part of the said capital stock shall have been lent, shall be eligible as a Director while the loan continues.

20. It shall and may be lawful to and for the Directors of the said Corporation to use, apply, and dispose of the moneys arising in the course of the dealing of the said Corporation, and all the profits, rents, premiums, and interest thereof, by letting the same out at interest, either upon the security of lands or other property, or otherwise, as the Directors thereof may think fit, any thing contained in this Act to the contrary notwithstanding; and the restrictions as to loans to the Directors, and to the eligibility as Directors of stockholders to whom money may have been loaned, which are contained in the last preceding Section, with regard to the capital stock,

shall extend and apply in all respects to any loans of money to be made by virtue of this present Section in like manner as if the same were repeated here.

21. The said Corporation shall not directly or indirectly deal or trade in buying or selling any goods, wares, or merchandize whatsoever; provided nevertheless, that it shall be lawful for the said Corporation to take, receive, possess, and enjoy any ships, goods, merchandize, or chattels whatsoever which shall have been abandoned to the said Corporation by reason of any loss or damage having occurred to the same, and shall and may dispose of and sell the same at such time or times, and in such manner as to the said Directors for the time being shall seem expedient.

22. The shares or capital stock of the said Corporation shall be assignable or transferable according to such rules and regulations as may be by the stockholders established in that behalf, but no assignment or transfer shall be valid or effectual unless such assignment or transfer shall be entered and registered in a book to be kept by the Directors for that purpose, and in no case shall any fractional part of a share be assignable or transferable; and whenever any stockholder shall transfer in manner aforesaid, all his or her shares in the said Corporation to any other person or persons whomsoever, such person shall cease to be a member of the said Corporation, and the person or persons so purchasing shall become a member of the said Corporation in his or her stead, and be entitled to all the privileges and subject to all the liabilities as such.

23. In case of any loss or losses taking place which shall be equal to the capital stock of the said Corporation, and the President and Directors, after knowing of such loss or losses taking place, shall make any further policy of assurance, they and their estates, jointly and severally, shall be accountable for the amount of any and every loss which shall take place under such policy or policies so made.

24. The joint stock or property of the said Corporation shall be alone responsible for the debts and engagements of the said Corporation; and no person or persons who shall or may have dealings with the said Corporation, shall on any pretence whatever have recourse against the separate property of any

present or future member or members of the said Corporation, or against their person or persons, further than is in this Act provided.

25. The bonds and other securities of what nature or kind soever taken for the payment of the second instalment and residue of the said capital stock as is hereinbefore directed, shall from time to time be renewed or changed, and other and further security or securities for the same be given as is provided in and by the fifth Section of this Act, and in case of any refusal or delay to renew or change any such security or securities, or to give and grant other and further security or securities therefor to the satisfaction of the said Directors, or a majority thereof, within thirty days after notice thereof being given, then and in such case it shall and may be lawful to and for the said Directors, or a majority of them, to cause such proceedings both in law and equity, or either, as may be deemed requisite, to be taken for the recovery of the amount of such several and respective securities, or it shall and may be lawful to and for the said Directors, or a majority of them, if they shall think fit, to declare the shares in the capital stock of the said Corporation, for the amount of the residue of which such security or securities shall have been given, forfeited to the said Corporation, together with all deposits and instalments, interest, profits, or dividends thereto belonging; and such stock so forfeited shall be sold by public auction for and on account of the said Corporation, and the purchaser or purchasers thereof shall give such security or securities for the payment of the amount due to the said Corporation on account of such forfeited shares, at the time of such forfeiture, as is hereinbefore provided, and shall likewise be subject to all the provisions of this Act.

26. The books, papers, correspondence, and all other matters and things belonging to the said Corporation, shall at all times be subject to the inspection of the Directors, or any of them, but no stockholder not a Director shall inspect the account of any individual or corporate body with the said Corporation.

27. The Directors shall at the general meeting to be holden on the first Monday in July in each and every year, lay before the stockholders for their information, an exact and particular

statement in triplicate of the then state of the affairs and business of the said Corporation, agreeably to the several regulations of this Act, and such other rules and regulations as may by the stockholders of the said Corporation be made by virtue hereof, so as the same may contain a true account of the affairs of the said Corporation; which statement shall be signed by the Directors, and attested on oath or affirmation by the Secretary, or in case of his absence, sickness, or inability to attend, by such person or persons as the Directors, or any quorum thereof, may appoint to act in his stead, and shall be transmitted to the Secretary of the Province for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, and the Legislature; provided always, that the rendering such statement shall not extend to give any right to the stockholders, not being Directors, to inspect the account of any individual or individuals with the Corporation.

28. Any joint Committee hereafter to be appointed by the Honorable the Legislative Council and the House of Assembly for the purpose of examining into the proceedings of the Corporation, shall, either during the Session or prorogation of the General Assembly, have free access to all the books and accounts of the same.

29. Any number of stockholders not less than twenty, who together shall be proprietors of six hundred shares, shall have power at any time, by themselves or their proxies, to call a general meeting of the stockholders for any purpose relating to the business of the said Corporation other than a dissolution thereof, giving at least thirty days notice in two of the Newspapers published in this Province, and specifying in such notice the time and place of meeting, with the objects thereof; and the Directors, or any four of them, shall have the like power at any time, upon observing the like formalities, to call a general meeting as aforesaid.

30. Any number of stockholders not less than thirty, who together shall be proprietors of nine hundred shares in the capital stock of the said Corporation, shall have power at any time, by themselves or their proxies, to call a general meeting of the stockholders for the purpose of taking into consideration the propriety of dissolving the said Corporation, giving at

least three months notice in two or more of the Newspapers published in this Province, and specifying in such notice the time and place of meeting, with the object thereof; and should it be agreed upon at such meeting that the said Corporation should be dissolved, such stockholders are hereby authorized and empowered to take all legal and necessary ways and means to dissolve the said Corporation; and upon such or any other dissolution of the said Corporation, the Directors then in office shall take immediate and effectual measures for closing the concerns of the said Corporation, and for dividing the capital and profits which may remain among the stockholders in proportion to their respective shares.

31. The Secretary of the said Corporation shall on the first Thursday in January in each and every year, make a return in triplicate of the state of the affairs of the said Corporation as they existed at three of the clock in the afternoon of that day, and shall forthwith transmit the same to the office of the Secretary of the Province; which return shall specify the aggregate amount of the risks at that time taken by the said Corporation, the amount of losses incurred during the preceding year, the amount of capital actually paid in, and how the same has been invested and secured, also a particular statement of the manner in which the residue of the capital stock has been secured, the amount of the dividends for the preceding year, and when declared, together with the amount of surplus profits, if any, then belonging to the said Corporation, and how the same has been invested and secured, the amount of real estate owned by the said Corporation, together with a particular statement of all other affairs of the said Corporation; which return shall be signed by the Secretary of the said Corporation, who shall make oath or affirmation before some Justice of the Peace for the City and County of Saint John to the truth of the said return, according to the best of his knowledge and belief; and the Secretary of the said Corporation shall also at the same time make a return under oath or affirmation of the names of the stockholders, and the amount of stock owned by each; and a majority of the Directors of the said Corporation shall certify and make oath or affirmation before the same Justice of the Peace, that the books of the said Corporation indicate the state of facts so

returned by their Secretary, and they have full confidence in the truth of the return so made by him ; and it shall be the duty of the Secretary of the Province annually to lay before the Legislature of this Province, so soon after the opening of the Session as practicable, such returns as aforesaid as he may have received since the then next previous Session.

32. This Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty five.

RAILWAYS.

13th VICTORIA—CHAPTER 21.

An Act to incorporate the Grand Falls Railway Company.

Section.

1. Incorporation of Company.
2. Capital.
3. When may commence Railway.
4. What evidence of title.
5. Share, when not to be transferred.
6. Trust shares, who not bound by.
7. Subscribers, how to pay.
8. Calls.
9. Interest, when payable.
10. Defaulters, when may be sued.
11. Declaration in suits for calls.
12. Proof on trial.
13. Register of shareholders, what evidence.
- 14, 15, 16, 17, 18, 19, & 20. Repealed.
21. Powers of Company as to taking land, &c.
22. Powers as to entering for materials, &c.
23. Fences, how maintained.
24. Repealed.

Section.

25. Votes of stockholders.
26. First meeting for choice of Directors.
27. Officers appointed, by whom, &c.
28. Annual general meeting.
- 29 & 30. Repealed.
31. Tolls, &c.
32. Government, when may purchase.
33. Forces, &c. when to be conveyed.
34. Tolls, when altered.
35. Dividends.
36. What receipts of what persons good.
37. Profits, what reserved.
38. When dividend not paid.
39. Debts, what responsible for.
40. Limitation as to suits.
41. Destroying, &c. works, punishment.
42. Railway, when to be completed.
43. Suspending clause.

Schedule.

Passed 26th April 1850.

WHEREAS the construction of a Railway around the Great Falls of the River Saint John would be of great public utility, and it is deemed advisable to grant encouragement to such persons as may be desirous, at their own costs and charges, to make and maintain a Railway at the place aforesaid, by granting them an Act of Incorporation;—

Be it therefore enacted, &c.—1. James Jenkins, James Tibbits, Benjamin Beveridge, L. A. Wilmot, Charles Connell, Francis Tibbits, Henry N. West, James R. Tupper, George Connell, Charles A. Hammond, Thomas E. Perley, Michael Currin, Abijah Raymond, and William F. Dibblee, and such other persons as shall from time to time become proprietors of shares in the Company hereby established, their successors and assigns, shall be and they are hereby declared, ordained, and constituted to be a Corporation, body politic and corporate, by the name of “The Grand Falls Railway Company,” and shall by that name have perpetual succession and a common seal; and shall and may by the said name sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all Courts and places whatsoever; and shall also have power and authority to purchase, hold, and enjoy lands, tenements, and hereditaments, for them and their

successors and assigns, for making the said Railway, and generally for the purpose of carrying the provisions of this Act into effect; and also that they the said Company shall from time to time and at all times have full power and authority to constitute, make, ordain, and establish such bye laws, regulations, and ordinances, as may be deemed necessary for the good rule and government of the said Company; provided that such bye laws, regulations, and ordinances as may be deemed necessary be not contradictory or repugnant to the laws of this Province; and provided also, that no bye laws, regulations, and ordinances made under and by virtue of the power and authority of this Act shall be of any force or effect until one calendar month after a true copy of such bye laws, regulations, and ordinances, certified under the hand of the President of the said Company, shall have been laid before the Lieutenant Governor or Administrator of the Government for the time being, for his approval or disapproval, unless the Lieutenant Governor or Administrator of the Government in this Province shall before such period signify his approbation thereof; provided always, that it shall be lawful for the Lieutenant Governor or Administrator of the Government for the time being, at any time either before or after any bye law, regulation, or ordinance shall have been laid before him as aforesaid shall have come into operation, to notify to the Company who shall have made the same, his disallowance thereof, and in case the same shall be in force at the time of such disallowance, the time at which the same shall cease to be in force; and no bye law, regulation, or ordinance which should be so disallowed shall have any force or effect whatsoever, or if it shall be in force at the time of such disallowance, it shall cease to have any force or effect at the time limited in the notice of such disallowance, saving in so far as any penalty may have been then already incurred under the same.

2. The capital stock of the Company hereby established shall be twenty thousand pounds, to be paid in current money of this Province, the whole amount of the said capital stock to be divided into one thousand shares of twenty pounds each, which shares shall be vested in the persons hereinbefore named, and such other persons as may take shares in the said Company, their successors or assigns; and upon taking such shares they

shall deposit in such Bank as the Directors of the said Company shall from time to time appoint for that purpose, the sum of two pounds ten shillings per share, current money aforesaid, and the remaining amount of such shares shall be called in as the work progresses, in such parts and amount per share as the Directors of the said Company may deem necessary; provided always, that two pounds ten shillings per share shall be the greatest amount per share of any one call which the said Directors may make on the shareholders, and two months at the least shall be the interval between successive calls, and thirty days previous notice of payment being required for any one call shall be given in the Royal Gazette at Fredericton; and on demand of the holder of any share, the Company shall cause a certificate of the proprietorship of such share to be delivered to such shareholder, and the same may be according to the form in the Schedule A to this Act annexed, or to the like effect; and every of the said shares shall be deemed personal estate, and transferable as such, and shall not be deemed or taken to be of the nature of real property, and every such share shall entitle the holder thereof to a proportionate part of the profits and dividends of the said Company; provided also, that the money so to be raised as aforesaid shall be laid out in the making, completing, and maintaining the said Railway, and in payment of the legal and other expenses incurred in and about the incorporating and establishing the said Company, and to no other use or purpose whatsoever.

3. So soon as ten thousand pounds of the capital stock of the said Company shall have been subscribed, and the deposit of two pounds per share shall have been actually paid as aforesaid, and not before, it shall be lawful for the said Company, and they are hereby authorized and empowered by themselves, their deputies, agents, officers, and workmen, to make, construct, and finally complete, alter, and keep in repair a Railway, with one or more sets of rails or tracts, with all suitable bridges, archways, turn-outs, culverts, drains, and all other necessary appendages, and to erect such wharves, moles, jetties, piers, docks, harbours, landings, aboideaux, dikes, buildings, depots, and warehouses, either at the termini or on the line of the said Railway, and to purchase and acquire such stationary or locomotive steam engines and carriages, wagons, floats,

and other machinery and contrivances, and real or personal property, as may be necessary for the making and maintaining the said Railway, and for the transport of passengers, merchandize, timber, and other articles thereon, and may hold and possess the land over which the said Railway is to pass, and such adjoining lands as may be required; the said Railway to be made and constructed on such route as the Directors of the Company in the exercise of their best judgment and discretion shall deem most favourable and best calculated to promote the public convenience.

4. The certificate of the proprietorship of any share in the said Company shall be admitted in all Courts as *prima facie* evidence of the title of any shareholder, his executors, administrators, successors, or assigns, to the share therein specified; nevertheless the want of such certificate shall not prevent the holder of any share from disposing thereof.

5. No shareholder shall be entitled to transfer any share after any call shall have been made in respect thereof, until he or she shall have paid all calls for the time being due on every share held by him or her.

6. The said Company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any of the said shares may be subject; and the receipt of the party in whose name any such share shall stand in the books of the said Company, or if it stands in the name of more parties than one, the receipt of one of the parties named in the register of stockholders, shall from time to time be a sufficient discharge to the said Company for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the said Company have had notice of such trusts; and the said Company shall not be bound to see to the application of the money paid upon such receipt.

7. The several persons who have or shall hereafter subscribe any money towards the said undertaking, or their legal representatives respectively, shall pay the sums respectively so subscribed, or such portions thereof as shall from time to time be called for by the Directors of the said Company, at such times and places as shall be appointed by the said Directors; and with respect to the provisions in this Act contained for

enforcing the payment of calls, the word "shareholder" shall extend to and include the personal representatives of such shareholder.

8. It shall be lawful for the Directors of the said Company from time to time to make such calls of money upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them as they shall deem necessary, provided that thirty days notice at the least be given of each call as aforesaid, and no call exceed the prescribed amount as aforesaid, and successive calls be not made at less than the prescribed interval aforesaid; and every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him, to the persons and at the times and places from time to time appointed by the said Company or Directors thereof.

9. If before or on the day appointed for payment, any shareholder do not pay the amount of any call to which he is liable, then such shareholder shall be liable to pay interest for the same at the rate allowed by law, from the day appointed for the payment thereof to the time of the actual payment.

10. If at the time appointed by the said Company, or the Directors thereof, for the payment of any call, any shareholder fail to pay the amount of such call, it shall be lawful for the said Company to sue such shareholder for the amount thereof in any Court of law or equity having competent jurisdiction, and to recover the same with lawful interest from the day on which such call was payable.

11. In any action or suit to be brought by the said Company against any shareholder, to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the said Company to declare that the defendant is the holder of one share or more in the said Company, (stating the number of shares) and is indebted to the said Company in the sum of money to which the calls in arrears shall amount, in respect of one call or more upon one share or more, stating the number and amount of each of such calls, where an action hath accrued to the said Company by virtue of this Act.

12. On the trial or hearing of such action or suit, it shall be sufficient to prove that the defendant, at the time of making

such call, was the holder of one share or more in the said undertaking, and that such call was in fact made, and such notice thereof given as is directed by this Act ; and it shall not be necessary to prove the appointment of the Directors who made such call, nor any other matter whatsoever ; and thereupon the said Company shall be entitled to recover what shall be due upon such call, and interest thereon, unless it shall appear either that any such call exceeds the prescribed amount aforesaid, or that due notice of such call was not given, or that the prescribed interval between two successive calls had not elapsed as aforesaid.

13. The production of the register of the shareholders shall be *prima facie* evidence of such defendant being a shareholder, and of the number and amount of his shares.

14, 15, 16, 17, 18, 19, & 20. Repealed by 17 V. c. 53, s. 3.

21. The said Company shall be and are hereby invested with all the powers, privileges, and immunities which are or may be necessary to carry into effect the intentions and objects of this Act ; and for this purpose the said Company, their successors, deputies, agents, and assistants, shall have the right to enter and go into and upon the lands and grounds of all and every description lying in the direction aforesaid, for the purpose of making surveys, examinations, or other necessary arrangements for fixing the site of the said Railway ; and it shall and may be lawful for the said Company and their successors to take and hold so much of the land and other real estate as may be necessary for the laying out, making, and constructing, and convenient operation of the said Railway ; and shall also have the right to take, remove, and use for the necessary construction and repair of said Railway and appurtenances, any earth, gravel, stone, timber, and other materials on or from the land so taken, without any previous agreement with the owner or owners, tenant or tenants of the land, and upon which surveys, examinations, or other arrangements may be made, or through which the said Railway may be explored, laid out, worked, made and constructed, or on which materials, or other things shall be laid for the purposes of the said Railway ; provided always, that the said land so taken shall not exceed six rods in width, except where greater width is necessary for the purpose of excavation or embankment ; and where

the said Railway shall pass through any woodlands or forests, the said Company shall have the right to fell or remove any trees standing thereon to the distance of six rods from either side of the said Railway, which by their liabilities to be blown down, or from their natural falling might obstruct or impair said Railway ; provided always, that in all cases the said Company shall pay for such lands or estate so taken and used, (in case the owner thereof demand it) such price as the said Company and the owner or respective owners thereof may mutually agree on ; and in case the said parties should not agree, then it shall be lawful for the said Company to apply to two of Her Majesty's Justices of the Peace in the County wherein the said lands may be situate, for a warrant, which warrant shall be in the form set forth in the Schedule B to this Act annexed, and shall be directed to the High Sheriff, his deputy, or any constable within the said County, commanding such High Sheriff, deputy, or constable to summon a jury of five disinterested freeholders or occupiers of land in the said County, who shall be sworn to examine the site of the said Railway ; and in case the said Railway shall pass through or extend upon any improved lands, or shall occasion the removal of any buildidgs or fences, then and in all such cases the damages shall be ascertained and assessed by such jury ; provided nevertheless, that such jury in assessing the said damages, are authorized and empowered, and shall take into consideration the enhancement in value of the land by the passage of the Railway, in regard to the increased facilities of access to the different stations and termini of the said Railway, in diminution of the damages ; and in all cases where the jury shall assess damages to be paid to the owner or owners of any land over which the said Railway may be laid out, the Justices who issued the warrant shall lay the said assessment before the next annual meeting of the said Company under the authority of this Act, who are hereby required to pay the amount set forth in the said assessments into the hands of the persons for whom such damages may have been assessed, within twenty one days next after such annual meeting of the said Company, together with the costs and charges of assessing such damages, which shall be agreeably to a scale in Schedule C of this Act ; and in default of such payment, it shall and may be lawful for

such Justices, or either of them, (in case of the absence or death of the other) at the instance of the said party or parties to whom such damages are payable, by warrant under the hands and seals of the said Justices, or one of them, in case aforesaid, to levy the same with costs, by distress and sale of the goods and chattels of the said Company ; provided also, that nothing in this Act contained shall be construed to affect the rights of the Crown in any ungranted lands within this Province, or to authorize the said Company to enter upon or take possession of any such land without the previous permission of the Executive Government of this Province.

22. The said Company, their superintendents, engineers, agents, and workmen, may enter upon the land adjoining the said Railway, and from thence take and carry away any timber, stone, gravel, sand, and earth, or material necessary for the construction of the said Railway ; and in case of any slip happening, or being apprehended to any cutting, embankment, or other work belonging to the said Railway, the said agents and workmen shall at all times hereafter have full ingress and egress into and upon such adjoining lands, for the purpose of repairing or preventing such accident, and to do such works as may be necessary for the purpose ; provided always, that such works shall be as little injurious to the said adjoining land as the nature of the operations will admit of, and shall be executed with all possible dispatch ; in all which cases the damage incurred, if the parties cannot agree, shall be ascertained and paid in like manner in all respects as provided for in the twenty first Section of this Act.

23. The said Company, at their own proper costs and charges, shall erect and maintain on each side of the Railway sufficient fences, whenever the same may be necessary, in order to protect the public, or wherever any cleared or cultivated land occurs on the line of the said Railway ; and for neglect or failure to erect and maintain such necessary fences, the said Company shall be liable to be indicted at any Court of Oyer and Terminer, or General Sessions for the County, when such fences shall be insufficient, and to be fined in such sum as shall be there and then adjudged ; and such fine shall be expended for the erection or repair of said fences, and for compensation of individual damage, as the case may be ; and

it shall and may be lawful for the Justices of the said Court of Oyer and Terminer, or General Sessions, to make such order for levying the said fine on the property of the said Company, or otherwise, as to them shall seem most proper to the exigencies of the case, which said fine shall be exclusive of any claim for damages which any party may sustain by any such neglect or failure as aforesaid.

24. Repealed by 17 V. c. 53, s. 3.

25. The number of votes which each shareholder shall be entitled to on every occasion when in conformity to the provisions of this Act the votes of the shareholders are to be given, shall be in the following proportions, that is to say :—For one share and not more than three, one vote ; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares ; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares ; and for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares ; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares ; which said number of twenty votes shall be the greatest any shareholder shall be entitled to have ; and all shareholders may vote by proxy if they shall see fit, provided such proxy be a shareholder, and do produce from his constituent whom he shall represent, or for whom he shall vote, an appointment in the form set forth in the Schedule D to this Act annexed, or to the like effect ; and whatever question of election of public officers or other matters or things shall be proposed, discussed, or considered in any public meeting of the said Company under the authority of this Act, shall be determined and decided by the majority of votes and proxies then and there present ; provided always, that the same person shall not vote as proxy for any number of persons who together shall be proprietors of more than one hundred shares.

26. Whenever ten thousand pounds of the said capital stock shall have been subscribed, and the deposits paid as aforesaid, the first general meeting of the shareholders shall take place at Woodstock, to be called by notice from any two of the stockholders in the Royal Gazette at Fredericton, and in the Newspapers published in Woodstock, twenty days previous to

such meeting, in order to organize the said Company and to choose the Directors thereof, who shall continue in office until re-elected or others chosen or appointed in their stead at any meeting to be held under the authority of this Act; the shareholders present, or appearing by proxy, shall choose the Directors of the said Company by a majority of votes, and the Directors so chosen shall choose out of their number one who shall be President of the said Company; and in case of the death, resignation, removal, disqualification by sale of stock, or incompetency of any Director, the remaining Directors, if they think proper so do do, may elect in his place some other shareholder duly qualified to be a Director, and the shareholder so elected to fill up any such vacancy shall continue in office as a Director so long only as the person in whose place he shall have been elected would have been entitled to continue if he had remained in office.

27. The said Directors shall have the power of nominating and appointing all and every the officers and engineers and other persons connected with the said Railway, at such salaries or rates of remuneration as to the said Directors shall seem proper, subject to the bye laws, rules, and regulations of the said Company; and the shareholders shall have the power from time to time to alter and amend, or to make such new rules, bye laws, and regulations for the good government of the said Company and of the said Railway, and of the works and property hereinbefore mentioned, and for the well governing of the engineers, workmen, and other persons employed by the said Company, as to the major part of the said shareholders shall seem fit; which said rules, bye laws, and regulations, being put into writing under the common seal of the said Company, shall be published in the Royal Gazette at Fredericton, shall be binding upon and observed by all parties, and shall be sufficient in any Court of law to justify all persons who shall act under the same.

28. The said shareholders shall meet annually at Woodstock on the first Tuesday in January in each year, at which meeting the shareholders present, personally or by proxy, may either continue in office the Directors before appointed, or any number of them, or may elect a new body of Directors to supply the places of those not continued in office; provided

always, that the omission to meet shall work no forfeiture, but the shareholders may afterwards be called together for that purpose by the Directors of the said Company for the time being.

29 & 30. Repealed by 17 V. c. 53, s. 3.

31. A toll be and is hereby granted for the sole benefit of the Company on all passengers and property of all descriptions which may be conveyed or transported upon such Railway, at such rates as may be established from time to time by the Directors of the said Company; the transportation of persons and property, the construction of cars and carriages, the weight of loads, and all other matters and things in relation to the use of the said Railway, shall be in conformity to such rules, regulations, and provisions as the said Directors shall from time to time prescribe and direct; and such Railway may be used by any person or persons who may comply with such rules and regulations; provided always, that if after the completing the said Railway, the rates, tolls, or dues that may be established by the said Company under and by virtue of this Act, shall be found excessive, it shall and may be lawful for the Legislature to reduce the said rates, tolls, or dues, so as the same shall not produce to the said Company a greater rate of clear annual profits divisible upon the subscribed and paid up capital stock of the said Company than fifteen pounds annually for every hundred pounds of such capital; and in order that the true state of such Company shall be known, it shall be the duty of the President and Directors thereof to file in the Office of the Secretary of the Province, for the information of the Legislature, at the expiration of three years after the said Railway shall have been completed as aforesaid, a just and true statement and account of the moneys by them disbursed and laid out in making and completing the said Railway in manner aforesaid, and also of the amount of the tolls and revenues of the said Railway, and of the annual expenditure and disbursements in maintaining and keeping up the same during the said three years; the said several accounts and statements to be signed by the President and Treasurer of the said Company, and by such President and Treasurer attested to on oath before any one of Her Majesty's Justices of the Peace for any County in this Province; and provided also, that it shall be the duty of the said President and Directors of the said Company, in

each and every year after the expiration of the said three years, to file in the said Office of the Secretary of the Province, for the information of the Legislature, a like statement and account verified on oath by the President and Treasurer as aforesaid.

32. Whatever may be the rate of divisible profits on the said Railway, it shall be lawful for Her Majesty's Government, if it shall think fit, subject to the provisions hereinafter contained, at any time hereafter to purchase the said Railway, with all its hereditaments, stock, and appurtenances, in the name and on behalf of Her Majesty, upon giving to the said Company three calendar months notice in writing of such intention, and upon payment of a sum equal to twenty five years purchase of the annual divisible profits, estimated on the average of the three then next preceding years ; provided that if the average rate of profits for the said three years shall be less than the rate of fifteen pounds in the hundred, it shall be lawful for the Company, if they should be of opinion that the said rate of twenty five years purchase of the said average profits is an inadequate rate of purchase of such Railway, reference being had to the prospects thereof, to require that it shall be left to arbitration in case of difference, to determine what (if any) additional amount of purchase money shall be paid to the said Company ; provided also, that such option of purchase shall not be exercised except with the consent of the Company, while any such revised scale of tolls, fares, and charges, shall be in force.

33. The Directors of the said Company shall be bound to provide such conveyance for the Officers or Soldiers of Her Majesty's Forces of the Line, Ordnance Corps, Marine, Militia, or Police Forces, and for all Ordnance Stores, at such time or times (whether the same shall be the usual hours of starting trains or not) as shall be required or appointed by any officer duly authorized for that purpose, and with the whole resources of the Company.

34. The Directors of the said Company shall be and they are hereby authorized from time to time to alter or vary the tolls to be taken upon the said Railway as they shall think fit, provided that all such tolls be at all times charged equally to all persons and after the same rate, whether per ton or otherwise, in respect of all passengers, and of all goods, chattels, or

carriages of the same description, and conveyed or propelled by a like carriage or engine passing only over the same portion of the line of Railway under the same circumstances ; and no reduction or advance in any such toll shall be made either directly or indirectly in favor of or against any particular company or person travelling upon or using the Railway.

35. The Directors of the said Company shall make yearly dividend of tolls, income, and profits arising to the said Company, first deducting thereout the annual costs, charges, and expenses of the said Company, as well of the repairs of the works belonging to them as for the salaries and allowances of the several officers and servants, and for such other purposes connected with the said Company as may be deemed proper by the said Directors, consistent with the bye laws, rules, and regulations of the said Company.

36. If any money be payable from the said Company to any shareholder or other person being a minor, idiot, or lunatic, the receipt of the guardian of such minor, or the receipt of the committee of such lunatic, shall be a sufficient discharge to the said Company for the same.

37. Before apportioning the profits to be divided among the shareholders, the said Directors may if they think fit, set aside thereout such sum as they may think proper to meet contingencies, or for enlarging, repairing, and improving the works connected with the said Railway, or any part of the said undertaking, and may divide the balance only among the shareholders.

38. No dividend shall be paid in respect of any share until all calls then due in respect of that and every other share held by the person to whom such dividend may be payable, shall have been paid.

39. Joint stock or property of the said Company shall alone be responsible for the debts and engagements of the said Company ; and no person or persons who shall or may have dealings with the said Company shall, upon any pretence whatsoever, have recourse against the separate property of any of the individual shareholders of the said Company, or against their person or persons, further than may be necessary for the faithful application of the funds of the said Company ; provided also, that no shareholder of the said Company shall be liable for or

charged with the payment of any debt or demand due from the said Company beyond the extent of his share in the capital of the said Company not then paid out.

40. No suit or action at law or equity shall be brought or prosecuted by any person or persons for any act, matter, or thing done under the authority of this Act, unless such suit or action shall be commenced within six months next after the offence shall have been committed or cause of action accrued; and the defendant or defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence under the said plea, and that the same was done in pursuance and by the authority of this Act.

41. If any person or persons shall wilfully and maliciously, and to the prejudice of the undertaking, break, injure, or destroy any of the works to be made by virtue of this Act, every such person or persons shall be guilty of felony, and shall be liable to be imprisoned in the Provincial Penitentiary for any term not exceeding seven years.

42. The said Company, to entitle themselves to the privileges, benefits, and advantages to them granted by this Act, shall and they are hereby required to make and complete the said Railway within three years from the passing of this Act, and if the same shall not be so made and completed within the period before mentioned, so as to be used for the conveyance and carriage of passengers, goods, chattels, wares, and merchandise thereon, then this Act and every matter and thing therein contained shall cease and be utterly null and void.

43. This Act shall not come into operation until Her Majesty's Royal approbation is thereunto first had and declared.

SCHEDULE A.

FORM OF CERTIFICATE OF SHARE.

The Grand Falls Railway Company.

No.

This is to certify that A. B., of is the proprietor of the Share (or shares) Number of the Grand Falls Railway Company, subject to the regulations of the said Company. Given under the Common Seal of the said Company, the day in the year of our Lord one thousand eight hundred and .

SCHEDULE B.

FORM OF WARRANT TO SUMMON JURY.

To the Sheriff, Deputy Sheriff, or any Constable of the County of .

You are hereby commanded to summon a Jury of five disinterested freeholders of your County, of no way akin to the party aggrieved, to appear at in the said County, on the day of at of the clock, in the noon, and there and then to assess the damage (if any) which A. B. alleges he has sustained by reason of the works and operations of the Grand Falls Railway Company through and upon his land. Given under our hands and seals, the day of in the year of our Lord one thousand eight hundred and .

SCHEDULE C.

Scale of Fees in proceedings before Justices upon assessing damages under the foregoing Act.

Warrant to Summon Jury,	-	-	-	-	£0	2	6
For every Subpœna,	-	-	-	-	0	0	6
For every copy thereof,	-	-	-	-	0	0	3
Every adjournment made at the instance of either party,	-	-	-	-	0	1	0
Trial and judgment,	-	-	-	-	0	2	6
Swearing each Witness and Constable,	-	-	-	-	0	0	3
Swearing Jury,	-	-	-	-	0	1	0
Execution or Distress Warrant,	-	-	-	-	0	1	6

To Sheriff or Constable.

Summoning Jury,	-	-	-	-	0	5	0
Attendance on Inquiry,	-	-	-	-	0	1	0
For all other services, same as fixed by law in civil cases before Justices of the Peace.							

To Witnesses.

Attendance and travel, same as in civil cases before Justices of the Peace.

To Jurors.

Each Juror sworn on Inquiry,	-	-	-	0	2	6
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SCHEDULE D.

FORM OF PROXY.

I, A. B., of do hereby nominate, constitute, and appoint C. D. of to be my proxy, in my name and in my absence to vote, or give any assent to or dissent from any business, matter, or thing relative to the Grand Falls Railway Company, in such manner as he the said C. D. shall think proper and for the benefit of the said Company.

In witness whereof, I, the said A. B. have hereunto set my hand (or if a Corporation, say the Common Seal of the Corporation) the day of in the year of our Lord one thousand eight hundred and .

A. B.

[This Act was specially confirmed, ratified, and finally enacted by an Order of Her Majesty in Council, dated the 24th day of September 1850, and published and declared in the Province the 23rd day of October 1850.]

14th VICTORIA—CHAPTER 11.

An Act to incorporate the Saint Stephen Railroad Company.

Section.

1. Incorporation of Company.
2. What parties may agree for damages, &c.
3. Capital, Directors, &c.
4. First meeting, who to call.
5. Bye laws.
6. Powers of Corporation to make Railroad, &c.
7. Tolls, &c.
8. Other Railroads, how to connect.
9. Private way, &c., not to be obstructed.
10. Railroad bridges, &c., how kept in repair.

Section.

11. Bridges, where may be constructed.
12. Fences, how maintained.
13. Mails and troops, how transported.
14. Penalty for wilful injuries to property.
15. Annual meeting, when held for choice of Directors, &c.
16. Doings of Corporation, how and by whom investigated.
17. Where may exercise Corporate rights out of Province.
18. Railroad, when to be completed.

Passed 28th March 1851.

Be it enacted, &c.—1. George M. Porter, Horatio N. Hill, Daniel Hill, John M'Adam, Joseph E. Eaton, George S. Hill, Nehemiah Marks, George J. Thomson, David Upton, Robert Watson, Samuel Gilmor, Ninian Lindsay, and Henry Eastman, their associates, successors, and assigns, are hereby made and constituted a body politic and corporate, by the name of "The Saint Stephen Railroad Company," and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, and may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies at law and equity to secure and protect them in the exercise and use of the rights and privileges, and

in the performance of the duties hereinafter granted and enjoined, and to prevent all invasion thereof in exercising and performing the same; and the said Corporation are hereby authorized and empowered to locate, construct, and finally complete, alter, and keep in repair a Railroad, with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turn-outs, culverts, drains, and all the necessary appendages, from the Upper Mills (so called) in the Parish of Saint Stephen, in the County of Charlotte, in this Province, over the most practicable route along or near the left bank of the River Saint Croix, to the mouth of Dennis Stream, and thence to extend the same to the Ledge, or to Oak Point, in the said Parish, whenever the said Company may deem it expedient to do so, and to make such branches thereof as they may think proper; and the said Corporation shall be and hereby are invested with all the powers, privileges, and immunities which are or may be necessary to carry into effect the purposes and objects of this Act as herein set forth; and for this purpose said Corporation shall have the right to purchase or take and hold so much of the land and other real estate of private persons or Corporations as may be necessary for the location, construction, and convenient operation of said Railroad and branches thereof, and they shall also have the right to take, remove, and use for the construction and repair of said Railroad and appurtenances, any earth, gravel, stone, timber, or other materials on or from the land so taken; provided however, that said land so taken shall not exceed four rods in width, except where greater width is necessary for the purpose of excavation and embankment; and provided also, that in all cases said Corporation shall pay for such lands, estate, or materials so taken and used, such price as they and the owner or respective owners thereof may mutually agree upon; and in case said parties shall not otherwise agree, then said Corporation shall pay such damages as shall be ascertained and determined, in the same manner and under the same conditions and limitations as are provided by the second Section of an Act made and passed in the thirteenth year of the Reign of Queen Victoria, intituled *An Act relating to the Saint Andrews and Quebec Railroad*, as also for the recovery of the same; and the land so taken by said Corporation shall be held

as land taken and appropriated for highways ; and all applications for damages shall be made within three years from the time of taking such land or other property, and not after.

2. When said Corporation shall take any land, or other estate as aforesaid, of any infant, person non compos mentis, deceased person, or feme covert, whose husband is under guardianship, the guardian of such infant, or person non compos mentis, or the executor or administrator of such deceased person, and such feme covert, with the guardian of her husband, shall have full power and authority to agree and settle with said Corporation for damages or claims for damages by reason of taking such land and estate aforesaid, and give good and valid releases therefor.

3. The capital stock of the said Corporation shall consist of fifty thousand pounds, to be divided into two thousand shares of twenty five pounds each, and the immediate government and direction of the affairs of the said Corporation shall be vested in seven Directors, who shall be chosen by the members of the said Corporation in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places, a majority of whom shall form a quorum for the transaction of business, and they shall elect one of their number to be President of the board, who shall also be President of the Corporation ; and shall have authority to choose a Clerk, who shall be sworn to the faithful discharge of his duty, and a Treasurer who shall be sworn, and also give bonds to the Corporation, with sureties to the satisfaction of the Directors, in a sum not less than one thousand pounds, for the faithful discharge of his trust.

4. The three persons first named in the first Section of this Act, are hereby authorized to call the first meeting of said Corporation, by giving notice in one or more Newspapers published in the said County of Charlotte, of the time and place, and purpose of such meeting, at least fourteen days before the time mentioned in such notice.

5. The said Corporation shall have power to make, ordain, and establish all necessary bye laws and regulations consistent with the laws in force in this Province, for their own government, and for the due and orderly conducting of their affairs, and the management of their property.

6. The President, Directors, and Company for the time being, are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the Corporation, for the purpose of locating, constructing, and completing said Railroad and branches, and for the transportation of persons, goods, and property of all descriptions, and all such power and authority for the management of the affairs of the Corporation, as may be necessary and proper to carry into effect the objects of this grant; to purchase and hold within or without the Province, land, materials, engines, cars, and other necessary things, in the name of the Corporation, for the use of said road, and for the transportation of persons, goods, and property of all descriptions; to make such equal assessments from time to time on all the shares in said Corporation, as they may deem necessary and expedient in the execution and progress of the work, and direct the same to be paid to the Treasurer of the Corporation, and the Treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after such notice given as shall be prescribed by the bye laws of said Corporation, the Directors may order the Treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser; and such delinquent subscriber or stockholder shall be held accountable to the Corporation for the balance, if his share or shares shall sell for less than the assessment due thereon, with the interest and costs of sale; and shall be entitled to the overplus, if his share or shares shall sell for more than the assessment due, with the interest and costs of sale; provided that no shareholder in said Company shall be in any manner whatever liable for any debt or demand due by said Company beyond the extent of his, her, or their shares in the capital stock of the said Company not paid up; and no assessment shall be laid upon any shares in said Company of a greater amount in the whole than ten pounds.

7. A toll is hereby granted and established for the sole use and benefit of said Corporation upon all passengers and property of all descriptions which may be conveyed or transported

by them upon said road, at such rate as may be agreed upon and established from time to time by the Directors of said Corporation; the transportation of persons and property, the construction of wheels, the form of cars and carriages, the weights of loads, and all other matters and things in relation to said road, shall be in conformity with such rules, regulations, and provisions as the Directors shall from time to time prescribe and direct.

8. The Legislature may authorize any other Company or Companies to connect any other Railroad or Railroads with the Railroad of said Corporation, at any points on the route of said Railroad; and this Company is hereby authorized and empowered to connect any Railway they may construct under this charter with any other Railway existing, to be constructed within or without the Province; and the said Corporation shall receive and transport all persons, goods, and property of all descriptions, which may be carried and transported to the Railroad of said Corporation on such other Railroads as may be hereafter authorized to be connected therewith, at the same rates of toll and freight as may be prescribed by said Corporation, so that the rates of freight and toll on such passengers, goods, and other property as may be received from such other Railroads so connected with such Railroad as aforesaid, shall not exceed the general rates of freight and toll on said Railroad received for freight and passengers at any of the deposits of said Corporation.

9. If the said Railroad in the course thereof shall cross any private way, the said Corporation shall so construct said Railroad as not to obstruct the safe and convenient use of such private way; and if such Railroad shall in the course thereof cross any canal, mill-pond, turnpike, railroad, or other highway, the said Railroad shall be so constructed as not to obstruct the safe and convenient use of such canal, mill-pond, turnpike, or other highway; and the said Corporation shall have power to raise or lower such turnpike, highway, or private way, so that the said Railroad, if necessary, may conveniently pass under or over the same, and erect such gate or gates thereon as may be necessary for the safety of travellers or persons on said turnpike, mill-pond, railroad, highway, or private way.

10. Said Railroad Corporation shall constantly maintain in

good repair all bridges, with their abutments and embankments, which they may construct for the purpose of conducting their Railroad over any canal, mill-pond turnpike, highway, or private way, or for conducting such private way or turnpike over said Railroad.

11. If said Railroad, or any branch thereof, shall in the course thereof cross or partly cross any tide waters, navigable rivers, or streams, the said Corporation are hereby authorized and empowered to erect, for the sole and exclusive travel on their said Railroad, a bridge across or partly across each of said rivers or streams, or across or partly across any such tide waters ; provided such bridge or bridges, or other erections, shall be so constructed as not unnecessarily to obstruct or impede the navigation of such rivers or waters.

12. Said Railroad Corporation shall erect and maintain substantial, legal, and sufficient fences on each side of the land taken by them for their Railroad, where the same passes through enclosed or improved lands, or lands that may hereafter be improved ; and for neglect or failure to erect and maintain such fences, said Corporation shall be liable to be indicted in any Court having competent jurisdiction within and for the County of Charlotte, and to be fined in such sum as shall be adjudged necessary to repair the same ; and such fine shall be collected and paid as other fines are by law collected and paid, and shall be expended for the erection or repair of said fence, under the direction of an agent appointed by the Court imposing the fine ; provided however, that such fences may be dispensed with at the receiving and landing places of passengers and freight, and at such other places as fences are not elsewhere usually required.

13. The said Corporation shall be subject to all such regulations, provisions, and conditions in reference to the transmission of Mails and Troops, as are established by any law in force in this Province with respect to any other Railroad Corporation ; and said Corporation, after they shall commence the receiving of tolls, shall be bound at all times to have said Railroad in good repair, and a sufficient number of suitable engines, carriages, and vehicles for the transportation of persons and articles, and be obliged to receive at all proper times and places, and convey the same when the appropriate tolls

therefor shall be paid and tendered, and a lien is hereby created on all articles transported for said tolls; and the said Corporation, fulfilling on its part all and singular the several obligations and duties by this Section imposed and enjoined upon it, shall not be held or bound to allow any engine, locomotive, cars, carriages, or other vehicles for the transportation of persons or merchandize, to pass over said Railroad or its branches other than its own, furnished and provided for that purpose as herein enjoined and required; provided however, that said Corporation shall be under obligations to transport over said Railroad and branches in connection with their own trains, the passengers, and other cars of any other incorporated Company that may hereafter construct a Railroad connecting with that hereby authorized, such other Company being subject to all the provisions of the seventh and eighth Sections of this Act as to rates of toll, and all other particulars enumerated in said Sections.

14. If any person shall willfully and maliciously, or wantonly and contrary to law, obstruct the passage of any carriage on said Railroad, or in any way spoil, injure, or destroy said Railroad, or any part thereof, or of any of its branches, or anything belonging thereto, or any material or implements to be employed in the construction or repair, or for the use of the said Railroad and branches, he, she, or they, or any person or persons assisting, aiding, or abetting such trespass, shall profit and pay to the said Corporation for every such offence, treble such damages as shall be proved before the Justice, Court, or Jury before whom the trial shall be had, to be sued for before any Justice, or in any Court proper to try the same, by the Treasurer of the Corporation, or other officer whom they may direct, to the use of the Corporation; and such offender or offenders shall be liable to indictment by any Grand Jury of the County of Charlotte, or of any County within which such trespass shall have been committed, for any offence or offences contrary to the above provisions; and upon conviction thereof before any Court competent to try the same, shall pay a fine not exceeding one hundred pounds to the use of the Province, or may be imprisoned in the Provincial Penitentiary, and kept to hard labour, for a term not exceeding five years, at the discretion of the Court before whom such conviction may be had.

15. The annual meeting of the said Corporation shall be holden on the last Wednesday in July, or such other day as shall be determined by the bye laws, at such time and place as the Directors for the time being shall appoint, at which meeting the Directors shall be chosen by ballot, each proprietor, by himself or proxy, being entitled to as many votes as he holds shares; and the Directors are hereby authorized to call special meetings of the stockholders whenever they shall deem it expedient and proper, giving such notice as the Corporation by their bye laws shall direct.

16. The Legislature shall at all times have the right to inquire into the doings of the Corporation, and into the manner in which the privileges and franchises herein and hereby granted may have been used and employed by said Corporation, and to require returns of profits and expenditure, and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said Corporation, which may be necessary more effectually to compel a compliance with the provisions, liabilities, and duties hereinbefore set forth and enjoined, but not to impose any other or further duties, liabilities, or obligations; and this Charter shall not be revoked, annulled, altered, limited, or restrained without the consent of the Corporation, except by due process of law.

17. If the State of Maine shall, in any legal way and manner, constitute this Company a Company within its limits and jurisdiction, this Company is hereby authorized and empowered to exercise within said limits and jurisdiction of such State, all the rights and powers, and shall have and enjoy all the privileges and immunities which it could have, exercise, or enjoy within this Province.

18. The said Company, to entitle themselves to the privileges, benefits, and advantages to them granted in this Act, shall and they are hereby empowered to make and complete the said Railway from the Upper Mills, in the Parish of Saint Stephen, in the County of Charlotte, in this Province, to the mouth of Dennis Creek, within five years* from the passing of this Act, and complete the remaining part of the said Railway, from Dennis Creek to the Ledge, or to Oak Point, in the said Parish, within ten years from the passing of this Act; and if the same shall not be so made and completed within the

period before mentioned. so as to be used for the conveyance and carriage of passengers, goods, chattels, wares, and merchandise thereon, then this Act, and every matter and thing therein contained, shall cease and be utterly null and void.

[*Time extended by 18 V. c. 62.]

15th VICTORIA—CHAPTER 76.

An Act to incorporate the Magaguadavic Railway Company.

Section.

1. Incorporation of Company.
2. Capital, &c.
3. When Company may construct Railway.
4. Branch Railways.
5. Interest, on what capital.
6. Property in share, what evidence of.
7. When share not to be transferred.
8. Trust shares not bound for.
9. Stock, how paid for.
10. Calls.
11. Interest payable, on what.
12. Advances from shareholders.
13. Defaulters, how sued.
14. Declaration in suits for calls.
15. Proof on trial.
16. Register of shareholders, evidence of what.
17. Shares, when forfeited.
18. Notice of forfeited shares.
19. Forfeited shares, when confirmed.
20. When may be sold.
21. Ownership in shares, evidence.
22. What number of shares may be sold.
23. When shares to revert.
24. Powers of Company.
25. Agreements, &c. for land valid.
26. Land may be taken for materials, &c.
27. Fences, where maintained.
28. Gates across Highway.

Section.

29. Board of Directors.
30. Votes of stockholders.
31. First meeting, when held.
32. Officers, by whom appointed, &c.
33. Annual meeting for choice of Directors, &c.
34. Extraordinary meeting, by whom called.
35. Notice of same.
36. Tolls; statements of expenses, &c.
37. Government may purchase same.
38. Mails, &c. to be forwarded.
39. Compensation, how fixed.
40. Arbitrators, nomination of.
41. Forces, &c., how conveyed.
42. Tolls, how altered.
43. Government may use Company's lands for Telegraph, when, &c.
44. Dividends.
45. Receipts of what persons good.
46. Profits, what to be reserved, and when.
47. Dividend, when not paid.
48. Debts, what responsible for.
49. Doings of Corporation, who may investigate.
50. Accounts, before whom laid.
51. Returns of traffic, &c.
52. Actions, limitation of.
53. Malicious acts, punishment of.
54. Railway, when to be completed.

Schedule.

Passed 7th April 1852.

WHEREAS the construction of a Railroad for the transportation of lumber from the Upper Milltown, on the Magaguadavic River, to the Town of Saint George, and thence to L'Etang Harbour, and also for the conveyance of passengers, would materially benefit the inhabitants of that section of the Province, and would tend in a great degree towards the improvement of the country, it is deemed advisable to grant encouragement to such enterprising persons as may be desirous and willing, at their own cost and charges, to make and maintain a Railway in the direction aforesaid, by granting them an Act of Incorporation ;—

Be it therefore enacted, &c.—1. Daniel Gillmor, Benjamin

Randall, F. O. J. Smith, the Honorable W. F. W. Owen, the Honorable Harris Hatch, Patrick Clinch, Moore R. Fletcher, Abraham J. Wetmore, Robert Thomson, Isaac Knight, Dillon P. Myers, John G. Myers, William Porter, Stuart Seelye, John French, Z. A. Paine, Robert Mowe, Junior, Daniel J. Odell, John M'Coull, Gideon Knight, Justus Wetmore, John J. Robinson, Thomas Jones, Richard Magee, Philo Seelye, John E. Messenett, Reuben Brockway, Junior, Kilburn G. Robinson, Alfred Gillmor, Arthur Hill Gillmor, Hugh Matheson, Hugh M'Callum, Henry Frye, Edward Seelye, George V. Knight, James Vernon, Barnard Buckman, John Wheaton, and such other persons as shall from time to time become proprietors of shares in the Company hereby established, their successors and assigns, shall be and they are hereby declared, ordained, and constituted to be a Corporation, body politic and corporate, by the name of "The Magaguadavic Railway Company," and shall by that name have perpetual succession and a common seal, and shall and may by the said name sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all Courts and places whatsoever, and shall also have power and authority to purchase, hold, and enjoy lands, tenements, and hereditaments, for them and their successors and assigns, for making the said Railway, and for settlers on the line of the said Railway, and generally for the purposes of carrying the provisions of this Act into effect; and also that they the said Company shall from time to time and at all times have full power and authority to constitute, make, ordain, and establish such bye laws, regulations, and ordinances as may be deemed necessary for the good rule and government of the said Company, provided that such bye laws, regulations, and ordinances as may be deemed necessary, be not contradictory or repugnant to the laws of this Province; and provided also, that no bye laws, regulations, and ordinances made under and by virtue of the power and authority of this Act, shall be of any force or effect until one calendar month after a true copy of such bye laws, regulations, and ordinances, certified under the hand of the President of the said Company, shall have been laid before the Lieutenant Governor or Administrator of the Government in this Province for the time being, for his approval or disapproval, unless the Lieutenant Governor

or Administrator of the Government shall before such period signify his approbation thereof.

2. The capital stock of the Company hereby established shall be fifty thousand pounds, to be paid in current money of this Province, the whole amount of the said capital stock to be divided into five thousand shares of ten pounds each, which shares shall be vested in the persons hereinbefore named, and such other persons as may take shares in the said Company, their successors or assigns, in proportion to their respective shares and interest; which said shares shall be of the value of ten pounds each, five per cent. of which shall be paid at such time and place as the Directors of the said Company shall appoint, and the remaining ninety five per cent. in such part and proportions, and at such time and times as the said Directors shall determine, which amount shall not at any one period be more than five per cent. on the amount of capital or stock belonging to any individual, and one month at the least shall be the interval between successive calls, and twenty days previous notice of payment being required for any one call shall be given in one of the weekly Papers published in the County of Charlotte; and on demand of the holder of any share the Company shall cause a certificate of the proprietorship of such share to be delivered to such shareholder, and the same may be according to the form in Schedule A to this Act annexed, or to the like effect; and every of the said shares shall be deemed personal estate, and transferable as such, and shall not be deemed or taken to be of the nature of real property, and every such share shall entitle the holder thereof to a proportionable part of the profits and dividends of the said Company; provided also, that the money so to be raised as aforesaid, shall be laid out in the making, completing, and maintaining the said Railway, and other the purposes therewith connected mentioned in this Act, and in payment of the legal and other expenses incurred in and about the incorporating and establishing the said Company, and to no other use or purpose whatsoever.

3. So soon as ten thousand pounds of the capital stock of the said Company shall have been subscribed, and the deposit of five per cent. shall have been actually paid into some Bank in this Province to be named by the Directors of the said

Company, and not before, it shall be lawful for the said Company, and they are hereby authorized and empowered by themselves, their deputies, agents, officers, and workmen, to make, construct, and fully complete, alter, and keep in repair a Railway, with one or more sets of rails or tracks, with all suitable bridges, archways, turn-outs, culverts, drains, and all other necessary appendages, and to erect such wharves, moles, jetties, piers, docks, harbours, landings, dikes, buildings, depots, and warehouses, either at the termini or on the line of the said Railway, and to purchase and acquire such stationary or locomotive steam engines and carriages, wagons, floats, and other machinery and contrivances, and real or personal property, as may be necessary for the making and maintaining the said Railway, and for the transport of passengers and merchandise thereon, and for other purposes of this Act, and may hold and possess the land over which the said Railway is to pass, and such adjoining lands as may be required; which Railway is to run from the Upper Milltown, on the Magaguadavic River, to the Town of Saint George, and thence to L'Etang Harbour; the said Railway to be made and constructed on such route as the Directors of the said Company, in the exercise of their best judgment and discretion, shall deem most favourable and best calculated to promote the public convenience; provided always, that a map or plan of the route determined upon shall be deposited in the Office of the Secretary of the Province.

4. The said Company shall and may (if they deem it expedient) make Branch Railways to every or any part of the County of Charlotte, and for that purpose shall exercise and possess all the powers, privileges, and authorities necessary for the management of the same, in as full and ample a manner as they are hereby authorized to do with respect to the said Railway.

5. It shall be lawful for the Directors of the said Company, until the said Railway shall be completed and open to the public, to pay interest at any rate not exceeding six pounds per centum per annum, on all sums called up in respect of the shares, from the respective days on which the same shall be paid; such interest to accrue and be paid at such times and places as the said Directors shall appoint for that purpose;

provided always, that no interest shall accrue to the proprietor of any share upon which any call shall be in arrear in respect of such shares, or any other shares to be holden by the same proprietor, or during the period while such call shall remain unpaid.

6. The certificate of the proprietorship of any share in the said Company, shall be admitted in all Courts as *prima facie* evidence of the title of any shareholder, his executors, administrators, successors, or assigns, to the share therein specified; nevertheless, the want of such certificate shall not prevent the holder of any share from disposing thereof.

7. No shareholder shall be entitled to transfer any share after any call shall have been made in respect thereof, until he or she shall have paid all calls, for the time being, due on every share held by him or her.

8. The said Company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any of the said shares may be subject; and the receipt of the party in whose name any such share shall stand in the books of the said Company, or if it stands in the name of more parties than one, the receipt of one of the parties named in the register of shareholders, shall from time to time be a sufficient discharge to the said Company for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the said Company have had notice of such trusts; and the said Company shall not be bound to see to the application of the money paid upon such receipt.

9. The several persons who have or shall hereafter subscribe any money towards the said undertaking, or their legal representatives respectively, shall pay the sums respectively so subscribed, or such portions thereof as shall from time to time be called for by the Directors of the said Company, at such times and places as shall be appointed by the said Directors; and with respect to the provisions in this Act contained for enforcing the payment of calls, the word "shareholder" shall extend to and include the personal representative of such shareholder.

10. It shall be lawful for the Directors of the said Company from time to time to make such calls of money upon the

respective shareholders, in respect of the amount of capital respectively subscribed or owing by themselves, as they shall deem necessary ; provided that twenty days notice at the least be given of each call as aforesaid, and no call exceed the prescribed amount aforesaid, and successive calls be not made at less than the prescribed interval aforesaid ; and every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him to the persons and at the times and places from time to time appointed by the said Company or the Directors thereof.

11. If before or on the day appointed for payment, any shareholder do not pay the amount of any call to which he is liable, then such shareholder shall be liable to pay interest for the same at the rate allowed by law, from the day appointed for the payment thereof to the time of the actual payment.

12. It shall be lawful for the said Company (if they think fit) to receive from any of the shareholders willing to advance the same, all or any part of the moneys due upon their respective shares beyond the sums actually called for ; and upon the principal moneys so paid in advance, or so much thereof as shall from time to time exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the Company may pay interest at such rate, not exceeding the legal rate of interest for the time being, as the shareholder paying such sum in advance and the said Company may agree upon.

13. If at the time appointed by the said Company, or the Directors thereof, for the payment of any call, any shareholder fail to pay the amount of such call, it shall be lawful for the said Company to sue such shareholder for the amount thereof in any Court of law or equity having competent jurisdiction, and to recover the same with lawful interest from the day on which such call was payable.

14. In any action or suit to be brought by the said Company against any shareholder, to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the said Company to declare that the defendant is the holder of one share or more in the said Company, (stating the number of shares) and is indebted to the said Company in the sum of money to which the calls in

arrear shall amount, in respect of one call or more upon one share or more, (stating the number and amount of each of such calls) whereby an action hath accrued to the said Company by virtue of this Act.

15. On the trial or hearing of such action or suit, it shall be sufficient to prove that the defendant, at the time of making such call, was the holder of one share or more in the said undertaking, and that such call was in fact made, and such notice thereof given as is directed by this Act ; and it shall not be necessary to prove the appointment of the Directors who made such call, nor any other matter whatsoever, and thereupon the said Company shall be entitled to recover what shall be due upon such call, and interest thereon, unless it shall appear either that any such call exceeds the prescribed amount aforesaid, or that due notice of such call was not given, or that the prescribed interval between two successive calls had not elapsed as aforesaid.

16. The production of the register of shareholders shall be *prima facie* evidence of such defendant being a shareholder, and of the number and amount of his shares.

17. If any shareholder fail to pay any call payable by him, together with the interest (if any) that shall have accrued thereon, the Directors of the said Company, at any time after the expiration of two months from the day appointed for payment of such call, may declare the share in respect of which such call was payable, forfeited, and that whether the said Company have sued for the amount of such call or not.

18. Before declaring any share forfeited, the Directors of the said Company shall cause notice of such intention to be left or transmitted by post to the usual or last place of abode of the person appearing by the register of shareholders to be the proprietor of such share, and if the holder of any such share be beyond the limits of this Province, or if his usual or last place of abode be not known to the said Directors, by reason of its being imperfectly described in the shareholders' address book, or otherwise, or if the interest in any share shall be known by the said Directors to have become transmitted otherwise than by transfer, and so the address of the parties to whom the said share or shares may for the time being belong, shall not be known to the said Directors, the said

Directors shall give public notice of such intention in one or more of the weekly Newspapers published in the said County of Charlotte ; and the several notices aforesaid shall be given thirty days at least before the said Directors shall make such declaration of forfeiture.

19. The said declaration of forfeiture shall not take effect so as to authorize the sale or other disposition of any share, until such declaration shall have been confirmed at the next general meeting of the said Company to be held after such notice of intention to make such declaration of forfeiture shall have been given, and it shall be lawful for the said Company to confirm such forfeiture at any such meeting, or at any subsequent general meeting to direct the share or shares so forfeited to be sold or otherwise disposed of.

20. After such confirmation as aforesaid it shall be lawful for the said Directors to sell the forfeited share by public auction, and if there be more than one forfeited share, then either separately or together, as to them shall seem fit, and any shareholder may purchase any forfeited share so sold as aforesaid.

21. An affidavit by some credible person not interested in the matter, sworn before any Justice or before any Commissioner for taking affidavits in the Supreme Court, that the call in respect of a share was made, and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was declared and confirmed in manner hereinbefore required, shall be sufficient evidence of the facts therein stated ; and such affidavit, and the receipt of the Treasurer of the said Company for the price of such share, shall constitute a good title to such share ; and a certificate of proprietorship shall be delivered to such purchaser, and thereupon he shall be deemed the holder of such share, discharged from all calls due prior to such purchase, and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

22. The said Company shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with interest and the expenses attending such sale

and declaration of forfeiture; and if the money produced by the sale of any such forfeited share be more than sufficient to pay all arrears of calls, and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture, and sale thereof, with the proof thereof and certificate of proprietorship to the purchaser, the surplus shall on demand be paid to the defaulter; provided always, that such defaulter shall in all cases be liable to the said Company for any deficiency arising by means of such default, and recoverable in any Court in this Province having competent jurisdiction for this purpose.

23. If payment of such arrears of calls and interest and expenses be made before any share or shares so forfeited and vested in the said Company shall have been sold by public auction as aforesaid, such share or shares shall revert to the party or parties to whom the same belonged before such forfeiture, in such manner as if such calls had been duly paid.

24. The said Company shall be and are hereby invested with all the powers, privileges, and immunities which are or may be necessary to carry into effect the intentions and objects of this Act; and for this purpose the said Company, their successors, deputies, agents, and assistants, shall have the right to enter and go into and upon the lands and grounds of all and every description lying in the said route and general direction as aforesaid, for the purpose of making surveys, examinations, or other necessary arrangements for fixing the site of the said Railway; and it shall and may be lawful for the said Company and their successors to take and hold so much of the land and other real estate as may be necessary for the laying out, making, and constructing, and convenient operation of the said Railway, and shall also have the right to take, remove, and use for the necessary construction and repair of said Railway and appurtenances, any earth, gravel, stone, timber, or other material on or from the land so taken, without any previous agreement with the owner or owners, tenant or tenants of the land, and upon which such survey, examinations, or other arrangements may be made, or through which the said Railway may be explored, laid out, worked, made, and constructed, or on which materials and other things shall be laid for the purposes of the said Railway; provided always, that the said land

so taken shall not exceed six rods in width, except where greater width is necessary for the purpose of excavation or embankment; and where the said Railway shall pass through any wood lands or forests, the said Company shall have the right to fell or remove any trees standing thereon to the distance of six rods from either side of the said Railway, which by their liabilities to be blown down, or from their natural falling, might obstruct or impair said Railway; provided always, that in all cases the said Company shall pay for such lands or estate so taken and used (in case the owner thereof demand it) such price as the said Company and the owner or respective owners thereof may mutually agree on; and in case the said parties should not agree, then it shall be lawful for the said Company to apply to two of Her Majesty's Justices of the Peace in the County wherein the said land may be situate for a warrant, which warrant shall be in the form set forth in the Schedule B to this Act annexed, and shall be directed to the High Sheriff, his deputy, or any constable within the said County, commanding such High Sheriff, deputy, or constable, to summon a jury of five disinterested freeholders or occupiers of land in the said County, who shall be sworn to examine the site of the said Railway; and in case the said Railway shall pass through or extend upon any improved lands, or shall occasion the removal of any buildings or fences, then and in all such cases the damages shall be ascertained and assessed by such jury; provided nevertheless, that the said jury in assessing the said damages are authorized and empowered, and shall take into consideration the enhancement in value of the land by the passage of the Railway, in regard to the increased facilities of access to the different stations and termini of the said Railway, in diminution of the damages; and in all cases where the jury shall assess damages to be paid to the owner or owners of any land over which the said Railway may be laid out, the Justices who issued the warrant shall lay the said assessment before the next annual meeting of the said Company under the authority of this Act, who are hereby required to pay the amount set forth in the said assessment into the hands of the persons for whom such damages may be assessed, within twenty one days next after such annual meeting of the said Company, together with the costs and charges of assessing such damages, which

shall be agreeably to a scale in Schedule C of this Act; and in default of such payment it shall and may be lawful for the said Justices, or either of them, (in case of the absence or death of the other) at the instance of the said party or parties to whom such damages are payable, by warrant under the hands and seals of the said Justices, or one of them, (in case aforesaid) to levy the same with costs, by distress and sale of the goods and chattels of the said Company; provided also, that nothing in this Act contained shall be construed to affect the rights of the Crown in any ungranted lands within this Province, or to authorize the said Company to enter upon or take possession of any such land without the previous permission of the Executive Government of the Province.

25. When the said Company shall take any land or estate of any body corporate, aggregate or sole guardians, committees, executors, or administrators, or other trustees whatsoever, held for or on behalf of those whom they represent, whether corporations, infants, idiots, lunatics, feme coverts, persons deceased or beyond seas, or other person or persons whatsoever, who are or shall be possessed of or interested in the said land or estate, the respective contracts, agreements, and sales of the said corporations, guardians, committees, executors, administrators, or other trustees whatsoever, shall be valid and effectual in law to all intents and purposes whatsoever, and their respective receipts shall be good and valid releases and discharges therefor, and it shall be lawful for them respectively to agree and settle with the said Company for damages (if any) by reason of taking such land or estate aforesaid, and in case of disagreement, such damage to be ascertained and settled as provided by the twenty third Section of this Act.

26. The said Company, their superintendents, engineers, agents, and workmen, may enter upon the land adjoining the said Railway, and from thence take and carry away any timber, stone, gravel, sand, and earth, or material necessary for the construction of the said Railway; and in case of any slip happening or being apprehended to any cutting, embankment, or other work belonging to the said Railway, the said agents and workmen shall at all times hereafter have full egress and regress into and upon such adjoining lands, for the purpose of repairing and preventing such accident, and to do such works

as may be necessary for the purpose; provided always, that such works shall be as little injurious to the said adjoining land as the nature of the operations will admit of, and shall be executed with all possible dispatch; in all which cases the damage incurred, if the parties cannot agree, shall be ascertained and paid in like manner in all respects as provided for in the twenty third Section of this Act.

27. The said Company, at their own proper costs and charges, shall erect and maintain on each side of the said Railway sufficient fences, wherever the same may be necessary, in order to protect the public, or wherever any cleared or cultivated land occurs on the line of the said Railway, and for neglect or failure to erect and maintain such necessary fences, the said Company shall be liable to be indicted at any Court of Oyer and Terminer or General Sessions for the County where such fences shall be insufficient, and to be fined in such sum as shall be then and there adjudged, and such fine shall be expended for the erection or repair of such fences, and for compensation of individual damage, as the case may be; and it shall and may be lawful for the Justices of the said Court of Oyer and Terminer or General Sessions, to make such order for levying the said fine on the property of the said Company, or otherwise, as to them shall seem most proper to the exigencies of the case, which said fine shall be exclusive of any claim for damages which any party may sustain by any such neglect or failure as aforesaid.

28. Whenever the said Railway or any of its branches cross or shall hereafter cross any highways, turnpike road, statute labour or private road for carriages of any description within this Province, the said Company shall make and maintain good and sufficient gates across each end of such highway, turnpike, or other road, which gates shall be constantly closed, except during the time when horses, cattle, carts, or carriages passing along such turnpike or other road shall have to cross such Railway, and such gates shall be of such dimensions and so constructed as when closed across the ends of such turnpike or other road to fence in the Railway, and prevent cattle or horses passing along the road from entering upon the Railway; provided always, that it shall be lawful (in case it shall be more conducive for the public safety) for the said Company, at their

own expense, to carry such turnpike or other road over or under such Railway, by means of a bridge or archway, in lieu of crossing the same on the level.

29. The immediate government and management of the affairs of the said Company shall be vested in seven Directors, who shall be proprietors of at least ten shares each, and who shall be chosen by the shareholders of the said Company in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places; not less than five Directors shall constitute a board for the transaction of business, of which the President shall always be one, except in case of sickness or necessary absence, in which case the Directors present may choose one of their number as Chairman in his stead; the President shall vote at the board as a Director, and in case of there being an equal number of votes for and against any question before them, the President shall have the casting vote.

30. Every shareholder shall be entitled to one vote for each share so held by him, and all shareholders may vote by proxy if they shall see fit, provided such proxy be a shareholder, and do produce from his constituent, whom he shall represent, or for whom he shall vote, an appointment in the form set forth in the Schedule D to this Act annexed, or to the like effect; and whatever question of election of public officers, or other matters or things, shall be proposed, discussed, or considered in any public meeting of the said Company, under the authority of this Act, shall be determined and decided by the majority of votes and proxies then and there present; provided always, that the same person shall not vote as proxy for any number of persons who together shall be proprietors of more than one hundred shares.

31. Whenever five thousand pounds of the said capital stock shall have been subscribed, the first general meeting of the shareholders shall take place at Saint George, to be called by notice in one of the weekly Papers printed in the County of Charlotte, twenty eight days previous to such meeting, in order to organize the said Company, and to choose the Directors thereof, who shall continue in office until re-elected or others chosen or appointed in their stead at any meeting to be held under the authority of this Act; the shareholders present or

appearing by proxy shall choose the Directors of the said Company by a majority of votes, and the Directors so chosen shall choose out of their number one who shall be President of the said Company; and in case of the death, resignation, removal, disqualification by sale of stock, or incompetency of any Director, the remaining Directors, if they think proper so to do, may elect in his place some other shareholder duly qualified to be a Director, and the shareholder so elected to fill up any such vacancy shall continue in office as a Director so long only as the person in whose place he shall have been elected would have been entitled to continue if he had remained in office.

32. The said Directors shall have the power of nominating and appointing all and every the officers and engineers, and other persons connected with the said Railway, at such salaries or rates of remuneration as to the said Directors shall seem proper, subject to the bye laws, rules, and regulations of the said Company; and the shareholders shall have the power from time to time to alter and amend, or to make such new rules, bye laws, and regulations for the good government of the said Company, and of the said Railway, and of the works and property hereinbefore mentioned, and for the well governing of the engineers, workmen, and other persons employed by the said Company, as to the major part of the said shareholders shall seem meet; which said rules, bye laws, and regulations, being put into writing under the common seal of the said Company, shall be published in one of the weekly Papers printed in the County of Charlotte, shall be binding upon and observed by all parties, and shall be sufficient in any Court of law to justify all persons who shall act under the same.

33. The said shareholders shall meet annually at the Town of Saint George on the first Tuesday in June in each year, at which meeting the shareholders present personally or by proxy, may either continue in office the Directors before appointed, or any number of them, or may elect a new body of Directors to supply the places of those not continued in office; provided always, that the omission to meet shall work no forfeiture, but the shareholders may be afterwards called together for that purpose by the Directors of the said Company for the time being.

34. It shall be lawful for any number of shareholders holding in the aggregate five hundred shares, by writing under their hands, at any time to require the said Directors to call an extraordinary meeting of the said Company, and such requisition shall fully express the object of the meeting required to be called, and shall be left at the office of the said Company, or given to at least three Directors, or left at their last or usual place of abode, and forthwith upon the receipt of such requisition, the said Directors shall convene a meeting of the shareholders; and if for thirty days after such notice the Directors fail to call such meeting, the shareholders aforesaid, qualified as aforesaid, may call such meeting by giving thirty days public notice thereof in one of the weekly Newspapers published in the County of Charlotte hereinbefore in this Act mentioned.

35. Thirty days public notice at the least, of all meetings, whether general or extraordinary, shall be given by advertisement in one of the weekly Newspapers published in the County of Charlotte hereinbefore in this Act mentioned, which shall specify the place, the day, and the hour of meeting, and every notice of an extraordinary meeting shall specify the purpose for which the meeting is called.

36. A toll is hereby granted for the sole benefit of the said Company, on all passengers and property of all descriptions which may be conveyed or transported upon such Railway, or any of its branches connected therewith as aforesaid, at such rates per mile as may be established from time to time by the Directors of the said Company; the transportation of persons and property, the construction of cars and carriages, the weight of loads, and all other matters and things in relation to the use of the said Railway and its branches, shall be in conformity to such rules, regulations, and provisions as the said Directors shall from time to time prescribe and direct, and such Railway and its branches may be used by any person or persons who may comply with such rules and regulations; provided always, that if after the completing the said Railway, the rates, tolls, or dues that may be established by the said Company under and by virtue of this Act shall be found excessive, it shall and may be lawful for the Legislature to reduce the said rates, tolls, or dues, so as that the same shall not produce to the said Company a greater rate of clear annual profits, divisible upon

the subscribed and paid up capital stock of the said Company, than fifteen pounds annually for every hundred pounds of such capital; and in order that the true state of the said Company shall be known, it shall be the duty of the President and Directors thereof to file in the Office of the Secretary of the Province, for the information of the Legislature, at the expiration of seven years after the said Railway shall have been completed as aforesaid, a just and true statement and account of the moneys by them disbursed and laid out in making and completing the said Railway in manner aforesaid, and also of the amount of tolls and revenues of the said Railway, and of the annual expenditure and disbursements in maintaining and keeping up the same during the said seven years, the said several accounts and statements to be signed by the President and Treasurer of the said Company, and by such President and Treasurer attested to on oath before any one of Her Majesty's Justices of the Peace for any County in this Province; and provided also, that it shall be the duty of the said President and Directors of the said Company, once in each and every year after the expiration of the said seven years, to file in the said Office of the Secretary of the Province, for the information of the Legislature, a like statement and account verified on oath by the President and Treasurer as aforesaid.

37. Whatever may be the rate of divisible profits on the said Railway, it shall be lawful for Her Majesty's Government, (if it shall think fit) subject to the provisions hereinafter contained, at any time after the expiration of the term of twenty one years, to purchase the said Railway, with all its hereditaments, stock, and appurtenances, in the name and on behalf of Her Majesty, upon giving to the said Company three calendar months notice in writing of such intention, and upon payment of a sum equal to twenty five years purchase of the annual divisible profits, estimated on the average of the then next preceding years; provided that if the average rate of profits for the said seven years shall be less than the rate of fifteen pounds in the hundred, it shall be lawful for the Company, if they should be of opinion that the said rate of twenty five years purchase of the said average profits is an inadequate rate of purchase of such Railway, reference being had to the prospects thereof, to require that it shall be left to arbitration,

in case of difference, to determine what (if any) additional amount of purchase money shall be paid to the said Company ; provided also, that such option of purchase shall not be exercised except with the consent of the Company while any such revised scale of tolls, fares, and charges shall be in force.

38. It shall be lawful for the Postmaster General or his Chief Deputy in this Province, by notice in writing under his hand or under the hand of his deputy as aforesaid, delivered to the said Company, to require that the Mails or Post Letter Bags shall from and after the day to be named in such notice, (being not less than twenty eight days from the delivery thereof) be conveyed and forwarded by the said Company on their Railway, either by the ordinary trains of carriages, or by special trains as need may be, at such hours or times in the day or night, as the Postmaster General or his said deputy shall direct, together with the guards appointed and employed by the Postmaster General or his said deputy in charge thereof, and any other officers of the Post Office ; and thereupon the said Company shall from and after the day to be named in such notice, at their own costs, provide sufficient carriages and engines on the said Railway for the conveyance of such Mails and Post Letter Bags, to the satisfaction of the Postmaster General or his said deputy, and receive and take up, carry, and convey, by ordinary or special trains of carriages, or otherwise, as need may be, all such Mails or Post Letter Bags as shall for that purpose be tendered to them or any of their officers, servants, or agents, by any officer of the Post Office, and also receive, take up, carry, and convey in and upon the carriage or carriages carrying such Mail or Post Letter Bags, the guards in charge thereof, and any other officer of the Post Office, and shall receive, take up, deliver, and leave such Mails or Post Letter Bags, guards, and officers, at such places in the line of such Railway, on such days and such hours or times in the day or night, and subject to all such reasonable regulations and restrictions as to speed of travelling, places, times and duration of stoppages, and times of arrival, as the Postmaster General or his said deputy shall in that behalf from time to time order or direct ; provided always, that the rate of speed required shall in no case exceed the maximum rate of speed prescribed by the Directors of the said Company for the

conveyance of passengers by their first class train, nor shall the Company be responsible for the safe custody or delivery of any Mail Bags so sent.

39. The said Company shall be entitled to such reasonable remuneration, to be paid by the Postmaster General or his deputy, for the conveyance of such Mails, Post Letter Bags, Mail guards, and other officers of the Post Office, in manner required by such Postmaster General, his deputy, or by such other officer of the Post Office as he shall in that behalf nominate as aforesaid, as shall (either prior to or after the commencement of such service) be fixed and agreed on between the Postmaster General or his deputy and the said Company, or in case of difference of opinion between them, the same shall be referred to the award of two persons, one to be named by the Postmaster General or his deputy, and the other by the said Company, and if such two persons cannot agree on the amount of such remuneration or compensation, then to the umpirage of some third person, to be appointed by such two first named persons previously to their entering upon the inquiry, and the said award or umpirage, as the case may be, shall be binding and conclusive on the said parties and their respective successors and assigns.

40. In all references to be made under the authority of this Act, the Postmaster General, his deputy, or the said Company, as the case may be, shall nominate his or their arbitrators within fourteen days after notice from the other party, or in default, it shall be lawful for the arbitrator appointed by the party giving notice to name the other arbitrator, and such arbitrators shall proceed forthwith in the reference and make their award therein within twenty eight days after their appointment, or otherwise the matter shall be left to be determined by the umpire, and if such umpire shall refuse or neglect to proceed and make his award for the space of twenty eight days after the matter shall have been referred to him, then a new umpire shall be appointed by the two first named arbitrators, who shall in like manner proceed and make his award within twenty eight days, or in default be superseded, and so *toties quoties*.

41. The Directors of the said Company shall be bound to provide such conveyance for the Officers and Soldiers of Her

Majesty's Forces of the Line, Ordnance Corps, Marines, Militia, or Police Forces, at such time or times (whether the same shall be the usual hours of starting trains or not) as shall be required or appointed by any officer duly authorized for that purpose, and with the whole resources of the Company.

42. The Directors of the said Company shall be and they are hereby authorized from time to time to alter or vary the tolls to be taken upon the said Railway or its branches as they shall think fit, provided that all such tolls be at all times charged equally to all persons, and after the same rate, whether per ton, per mile, or otherwise, in respect of all passengers, and of all goods, chattels, or carriages of the same description, and conveyed or propelled by a like carriage or engine passing only over the same proportion of the line of Railway under the same circumstances, and no reduction or advance in any such toll shall be made, either directly or indirectly, in favour of or against any particular company or persons travelling upon or using the Railway.

43. The said Company, on being required so to do by Her Majesty's Government, shall be bound to allow any person or persons duly authorized by Her Majesty's Government, with servants and workmen, at all reasonable times to enter into or upon the lands of the said Company, and to establish and lay down upon such lands adjoining the line of the said Railway, or any of its branches, a line of Electrical Telegraph for Her Majesty's service, and to give to him and them every reasonable facility for laying down the same, for the purpose of receiving and sending messages on Her Majesty's service, subject to such reasonable remuneration to the Company as may be agreed upon between the Company and Her Majesty's Government; provided always, that subject to a prior right of use thereof for the purposes of Her Majesty, such Telegraph may be used by the Company for the purposes of the Railway, upon such terms as may be agreed upon between the parties, or in the event of differences, as may be settled by arbitration.

44. The Directors of the said Company shall make yearly dividends of tolls, income, and profits arising to the said Company, first deducting thereout the annual costs, charges, and expenses of the said Company, as well of the repairs of the works belonging to them as for the salaries and allowances of

the several officers and servants, and for such other purposes connected with the said Company as may be deemed proper by the said Directors, consistent with the bye laws, rules, and regulations of the said Company.

45. If any money be payable from the said Company to any shareholder or other person being a minor, idiot, or lunatic, the receipt of the guardian of such minor, or the receipt of the committee of such lunatic shall be a sufficient discharge to the said Company for the same.

46. Before apportioning the profits to be divided among the shareholders the said Directors may, if they think fit, set aside thereout such sum as they may think proper to meet contingencies, or for enlarging, repairing, and improving the works connected with the said Railway, or its branches, or any part of the said undertaking, and may divide the balance only among the shareholders.

47. No dividend shall be paid in respect of any share until all calls then due in respect of that and every other share held by the person to whom such dividend may be payable shall have been paid.

48. The joint stock and property of the said Company shall alone be responsible for the debts and engagements of the said Company; and no person or persons who shall or may have dealings with the said Company shall on any pretence whatsoever have recourse against the separate property of any of the individual shareholders of the said Company, or against their person or persons, further than may be necessary for the faithful application of the funds of the said Company; provided also, that no shareholder of the said Company shall be liable for or charged with the payment of any debt or demand due from the said Company beyond the extent of his share in the capital of the said Company not then paid out.

49. The Legislature of this Province shall at all times hereafter have the right to inquire into the doings of the said Corporation, and into the manner in which the privileges and franchises herein and hereby granted may have been used and employed by the said Corporation, and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said Corporation which may be necessary more effectually to compel a compliance with the provisions,

liabilities, and duties herein set forth and enjoined, but not to impose any other or further duties, liabilities, or obligations.

50. The said Company shall annually submit to the Legislature within the first fifteen days after the opening of each Session, a detailed and particular account, attested upon oath of the Treasurer and two Directors, of the moneys received and expended by the Company under and by virtue of this Act, with a statement of the amount of tonnage and of passengers that have been conveyed along the said road.

51. The Lieutenant Governor in Council may order and direct the said Company, and thereupon it shall be their duty to make up and deliver to the Provincial Secretary, returns according to a form to be from time to time prescribed by the Lieutenant Governor in Council, of the aggregate traffic in passengers according to their several classes, and of the aggregate traffic in cattle and goods respectively on the said Railway, as well as of all accidents which have occurred thereon attended with personal injury, and also a table of all tolls, rates, and charges from time to time levied on each class of passengers, and on cattle and goods conveyed on the said Railway.

52. No suit or action at law or equity shall be brought or prosecuted by any person or persons for any act, matter, or thing done under the authority of this Act, unless such suit or action shall be commenced within six months next after the offence shall have been committed, or cause of action accrued, and the defendant or defendants in such suit or action may plead the general issue, and give this Act and the special matter in evidence under the said plea, and that the same was done in pursuance and by the authority of this Act.

53. If any person or persons shall wilfully and maliciously and to the prejudice of the undertaking, break, injure, or destroy any of the works to be made by virtue of this Act, every such person or persons shall be judged guilty of felony, and every person so offending, and being thereof lawfully convicted, shall be liable to the punishment prescribed for felony in an Act made and passed in the first year of the Reign of His late Majesty King William the Fourth, intituled *An Act for improving the administration of Justice in Criminal Cases*.

54. The said Company, to entitle themselves to the privi-

leges, benefits, and advantages to them granted by this Act, shall and they are hereby required to make and complete the said Railway within five years from the passing of this Act, and if the same shall not be so made and completed within the period before mentioned, so as to be used for the conveyance and carriage of passengers, goods, chattels, wares, and merchandise thereon, then this Act and every matter and thing therein contained shall cease and be utterly null and void.

SCHEDULE A.

FORM OF CERTIFICATE OF SHARE.

The Magaguadavic Railway Company.

Number .

This is to certify that A. B., of . is the proprietor of the Share (or shares) Number . of the Magaguadavic Railway Company, subject to the regulations of the said Company. Given under the Common Seal of the said Company, the day of . in the year of our Lord one thousand eight hundred and .

SCHEDULE B.

FORM OF WARRANT TO SUMMON JURY.

To the Sheriff, Deputy Sheriff, or any Constable of the County of .

You are hereby commanded to summon a Jury of five disinterested freeholders of your County, of no way akin to the party aggrieved, to appear at . in the said County, on the . day of . at . of the clock, in the . noon, and then and there to assess the damages (if any) which A. B. alleges he has sustained by reason of the works and operations of the Magaguadavic Railway Company through and upon his land.—Given under our hands and seals, the . day of . in the year of our Lord one thousand eight hundred and .

SCHEDULE C.

Scale of Fees in proceedings before Justices upon assessing damages under the foregoing Act.

Warrant to summon Jury,	-	-	-	-	£0	2	6
For every Subpœna,	-	-	-	-	0	0	6
For every copy thereof,	-	-	-	-	0	0	3

Every adjournment made at the instance of either party, - - - - -	£0	1	0
Trial and judgment, - - - - -	0	2	6
Swearing each Witness and Constable, - - - - -	0	0	3
Swearing Jury, - - - - -	0	1	0
Execution or Distress Warrant, - - - - -	0	1	6

To the Sheriff or Constable.

Summoning Jury, - - - - -	0	5	0
Attendance on Inquiry, - - - - -	0	1	0

For all other services, same as fixed by law in civil cases before Justices of the Peace.

To Witnesses.

Attendance and travel, same as in civil cases before Justices of the Peace.

To Jurors.

Each Juror sworn on Inquiry, - - - - -	0	2	6
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SCHEDULE D.

FORM OF PROXY.

I, A. B., of do hereby nominate, constitute, and appoint C. D. of to be my proxy, in my name and in my absence to vote, or give any assent to or dissent from any business, matter, or thing relative to the Magaguadavic Railway Company, in such manner as he the said C. D. shall think proper and for the benefit of the said Company.

In witness whereof, I, the said A. B. have hereunto set my hand (or if a Corporation, say the Common Seal of the Corporation) the day of A. D. one thousand eight hundred and .

A. B.

17th VICTORIA—CHAPTER 53.

An Act to revive and amend the Act to incorporate the Grand Falls Railway Company.

Section.

1. Extent of former Act.
2. Extension of time for completing Railway.
3. Sections repealed.
4. Annual meeting, when and where held.
5. Directors and President, how and when chosen.

Section.

6. Qualification of Directors.
7. Shares, when forfeited, and proceedings.
8. Meetings, how called.
9. Capital stock, how increased.
10. Steam power, how to be employed.
11. Rights of persons saved.

Passed 1st May 1854.

Be it enacted, &c.—1. The Act to incorporate the Grand Falls Railway Company, made and passed in the thirteenth year of Her present Majesty's Reign, intituled *An Act to incorporate the Grand Falls Railway Company*, is hereby declared to be revived and in full force and effect, except such parts thereof as are hereinafter repealed or altered, although the Railway therein mentioned has not yet been fully completed; and all acts, matters, and things heretofore done or effected by the shareholders or Directors of the said Company, are hereby declared valid and effectual; and all property acquired or possessed by the said Company shall be held and enjoyed by them as fully as if the said Railway had been made and completed and opened for traffic.

2. The time for completing the said Railway is hereby extended to the first day of January in the year of our Lord one thousand eight hundred and fifty seven, and if such Railway is not then completed and opened for traffic, the said Act of Incorporation and this Act shall cease and become utterly null and void.

3. The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty fourth, twenty ninth, and thirtieth Sections of the said Act of Incorporation are hereby repealed.

4. The annual meeting of shareholders instead of being held on the first Tuesday in January at Woodstock, may be held on any day of the year in any part of the Province, and the day and place of such annual meeting shall be regulated by bye law of the Company.

5. At such annual meeting the shareholders shall choose seven Directors, and such other officers as may be necessary for the management of the affairs of the Company; the Directors so chosen shall remain in office one year or until others are chosen in their stead, and at the first meeting after their election, shall choose one of their number President of the Company; provided always, that not less than four Directors shall form a quorum for the transaction of business, and in case of the absence of the President, the Directors shall have power to appoint a Chairman for the occasion.

6. No shareholder shall be eligible as a Director unless he

holds at least ten shares of the capital stock of the Company, and is of the full age of twenty one years.

7. If a shareholder shall fail to pay the amount of any call upon his shares at the time appointed, with interest, if any, the Directors may thereafter, if they see fit, advertise all such shares to be sold at public auction, giving at least thirty days notice of the time and place of sale ; and all shares upon which any call is not then paid, with interest from the time the same became due, shall be sold to the highest bidder, and after retaining the amount of call and interest, and the expense of advertising and sale, the residue, if any, shall be paid over to the former owner, and a new certificate of the shares so sold shall be made out and delivered to the purchaser.

8. All meetings of the Company shall be called by public notice being given of the time and place of meeting, in the Royal Gazette and in one Newspaper published in the City of Saint John, at least fourteen days before the time of such meeting ; and special meetings may be called by the Secretary under the authority of the Directors, or by shareholders representing not less than two hundred and fifty shares of stock, on giving the like notice, provided that in all cases the notice of a special meeting shall specify the object of such meeting.

9. The said Company shall have power from time to time, to increase its capital stock by the issue of shares at twenty pounds each, to an extent not exceeding ten thousand pounds ; and such new shares when issued shall be apportioned among the shareholders of the Company, in proportion to their respective interests in the same, or disposed of at public auction, as may be deemed most expedient.

10. The said Company may employ its stationary steam power, when not required for the purposes of the Railway, in sawing lumber, and may also engage in other manufacturing pursuits.

11. Nothing in this Act contained shall be construed to affect any rights, property, or interest acquired by or accrued to any person or persons since the expiration of the period to which the said Act was limited, but all person or persons shall, notwithstanding the passing of this Act, be vested and clothed with all the rights and powers to which they would have been entitled if this Act had not been passed.

TELEGRAPH COMPANIES.

11th VICTORIA—CHAPTER 55.

An Act to incorporate the New Brunswick Electric Telegraph Company.

Section.

1. Incorporation of Company.
2. Capital.
3. What line may complete.
4. Public roads, &c. on what may enter, &c.
5. Private property, on what may enter, &c.
6. Tolls, &c. to be taken by the Company.
7. Repealed.

Section.

8. What amount of stock to be subscribed at first.
9. When meeting to be called for choosing Directors, &c.
10. Debts, what responsible for.
11. Penalty for obstructing Telegraph.
12. Damage to property, how punished.

Passed 30th March 1848.

WHEREAS the speedy transmission of information by means of the Electric Telegraph has become a matter of great importance, and it is highly desirable that lines of communication by such Telegraph should be established in this Province, and that the same should be connected with other lines in Nova Scotia, Canada, and the United States: And whereas certain persons are desirous of being incorporated for the purpose of establishing such communication;—

Be it therefore enacted, &c.—1. Thomas Leavitt, Charles Ward, William M'Lauchlan, John Duncan, Robert Jardine, John V. Thurgar, Israel D. Andrews, Francis O. J. Smith, Nathan Cummings, and Amos Kendall, their associates, successors, and assigns, shall be and they are hereby erected into a body politic and corporate, by the name of "The New Brunswick Electric Telegraph Company," and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of constructing, maintaining, and working lines of communication, by means of the Electric Telegraph, within the Province of New Brunswick, as hereinafter more particularly set forth.

2. The capital stock of the said Corporation shall not be more than the sum of twenty five thousand pounds, and shall be divided into two thousand five hundred shares of ten pounds each, to be paid in at such times and in such instalments as the business of the said Company shall require; provided always, that the money so to be raised as aforesaid, is hereby directed and required to be laid out for and towards the making, com-

pleting, and maintaining the said Electric Telegraph, and other purposes therewith connected, and to no other use or purpose whatsoever.

3. It shall be lawful for the said Company, and they are hereby authorized and empowered by themselves, their deputies, agents, officers, and workmen, to make and complete a single or double line of Electric Telegraph, communicating from the boundary line between this Province and Nova Scotia, by way of Sackville, Dorchester, Moncton, Sussex Vale, and Hampton, to the City of Saint John, and thence to Saint Andrews and Saint Stephen, in the County of Charlotte; and also with power to extend branches from such main line of communication, by Electrical Telegraph, from the City of Saint John to Fredericton, in the County of York, and thence to Woodstock, the Grand Falls, and the Canadian boundary in that direction; and from Fredericton to Miramichi; with such other branch lines within this Province as the increase of business, the establishment of Rail Roads, or the settlement of the country may render necessary or expedient; and for the purposes of the said main line and the several and respective branches thereof, to make such erections as may be necessary, and to purchase and acquire such machinery and contrivances, and real or movable property, as may be necessary for the making, maintaining, and working the said Electrical Telegraphic communication, and may use, hold, and possess the land over which the said Electrical Telegraph is to pass, in the manner and under the provisions hereinafter set forth.

4. It shall and may be lawful for the said Company, their deputies, agents, servants, and workmen, to enter upon the side or sides of all or any of the public roads, bridges, streets, or highways in this Province, and on the same to set up, erect, and construct such and so many posts or other works or devices, as they in their discretion may deem necessary for making, completing, supporting, using, and maintaining the said Electric Telegraph; and from time to time, as often as the said Company, their deputies, agents, officers, or workmen shall think proper, to break up and open any part whatsoever of the said road, streets, or highways, not interfering with that part of the same appropriated for the use of carriages, wagons, or horses, and to keep the same open during the time neces-

sary for the setting up, erecting, and constructing of such posts, works, or devices; provided always, that nothing herein contained shall extend or be construed to extend to permit the setting up, erecting, or constructing of any post, work, or device which may in any way obstruct any of the said public roads, streets, bridges, or highways; and provided also, that the said Company, their deputies, agents, officers, and workmen, shall and do at their own proper costs and charges, and without unnecessary delay, repair and amend the said public roads, streets, and highways, in any part where they shall be so broken up and opened as aforesaid, to the like condition in which they were before breaking up the same.

5. If it shall at any time be deemed necessary by the said Company, their agents, or servants, to carry any part of the said main line of Electrical Telegraph communication, or any of the branches thereof, through or over any estates, lands, or grounds, being private property, it shall be lawful for the said Company, by their agents or servants, to enter into and upon the lands of any person, bodies politic or corporate, as they shall think necessary for making, completing, maintaining, or repairing the said line of Electric Telegraph, or any of its branches, and on such lands to set up, construct, or build such posts, buildings, or other erections as may be necessary for such line or the branches thereof, and do all other matters and things which they the said Company shall think convenient and necessary for the making, extending, improving, completing, and easy using of the said Electric Telegraph or any of its branches, or any of the works therewith connected; they, the said Company, doing as little damage as may be in the execution of the several powers to them hereby granted, and agreeing with the owner or owners, occupier or occupiers of such private property, as to the amount of compensation to be paid to such owners or occupiers respectively; and in case of disagreement as to the amount of damages or compensation to be paid by the said Company, then the amount of such damages or compensation shall be ascertained and determined by three arbitrators, one to be chosen by the said Corporation, their agents or servants, and one by the owner or owners, occupier or occupiers of the private or corporate property in question; which two arbitrators so chosen, shall choose a third

arbitrator; and in case the two first mentioned arbitrators shall not agree in the choice of a third arbitrator, then and in such case it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, upon application of the said Corporation, to appoint the third arbitrator; and the award of the said arbitrators, or any two of them, shall be final and conclusive in the matters referred to them; and in case any of the said owners or occupiers of such corporate or private property shall decline making any such agreement, or appointing such arbitrators, then and in every such case the said Corporation shall make application to the Supreme Court of this Province, or to any one of the Judges thereof, stating the grounds of such application; and such Court or Judge is hereby empowered and required from time to time, upon such application, to issue a writ or warrant directed to the Sheriff of the County in which such lands lie, or in case of his being a party interested, then to any Coroner of such County, and in case of the said Sheriff and of the said Coroner being both interested, then to some person or persons who may be disinterested, commanding such Sheriff, Coroner, person or persons disinterested, as the case may be, to summon and empanel a Jury of twelve freeholders within the said County, who may be altogether disinterested; which Jury upon their oath, (which oath, as well as the oaths to be taken by any person or persons who shall be called upon to give evidence in the matter, the Sheriff, Coroner, or person or persons summoning such Jury, is and are hereby empowered to administer,) shall inquire, ascertain, and assess the distinct sum or sums of money or annual rent to be paid as the amount of compensation and satisfaction for the damages that may and shall be sustained by such owner or owners, occupier or occupiers of such corporate or private property as aforesaid; and the inquisition, award, or verdict of such Jury, shall be returned and filed in the office of the Clerk of the Pleas in the said Supreme Court, and shall be final and conclusive between the parties; which amount so assessed as aforesaid, and the costs and expenses of such proceedings, when taxed and allowed by the said Supreme Court, or one of the Judges thereof, shall be borne by the said Corporation, and shall be by them paid within thirty days after the said inquisition, award, or verdict shall be filed as aforesaid.

6. So soon as the said main line of communication by the said Electric Telegraph, or any part thereof, or any of its branches, shall be completed and opened, it shall be lawful for the said Corporation, at all times thereafter, to ask, demand, take, sue for, and recover, to and for their own proper use and behoof, such rates, tolls, or dues, for the transmission and writing out of any and every message or communication of any kind soever, transmitted and conveyed at the cost and charge of the said Company, by or upon the said Electric Telegraph, and such sum or sums of money as the said Company may think just and reasonable.

7. Repealed by 12 V. c. 63, s. 1.

8. It shall be lawful for the persons first named in this Act, immediately after the passing thereof, to open a book for the subscription of shares in the said Company, and no person shall be entitled to subscribe for more than twenty shares until thirty days shall have elapsed from the day on which such subscription book shall have been opened, nor until after ten days public notice given by advertisement in at least two of the Newspapers published in the City of Saint John; and if, at the end of ten days after such public notice so given, the whole number of shares in the said Company shall not be taken up or subscribed, then any person may subscribe for the residue of such shares, including the previous holders of shares, as well as others.

9. When one fourth of all the shares in the said Company shall be subscribed, it shall and may be lawful to call a meeting of the shareholders, at the City of Saint John, upon giving fourteen days previous notice of the time and place of such meeting in at least two of the Newspapers published in the said City; and at such meeting, or any adjournment thereof, to choose a President, Directors, and officers of the said Company, and to make bye laws, rules, and ordinances for prescribing the duties, powers, and authorities of the said President, Directors, and officers; for limiting the number of Directors; for regulating the transfer, registry, and forfeiture of shares; for the making of calls on shares, and the time of paying such calls; the times of holding meetings of the said Company, or of the Directors; the right of voting in respect of the number of shares held by each shareholder respectively,

and of voting either personally or by proxy ; and generally for the good order, conduct, and government of the said Company, its affairs and business, as may be requisite and necessary ; provided always, that no bye law, rule, or ordinance shall be repugnant to this Act, or to the laws of this Province, or those in force within the same ; and provided also, that a majority of the Directors of the said Company shall always be resident within the Province.

10. The joint stock and property of the said Company shall alone in the first instance be responsible for the debts and engagements of the same ; and no creditor or person having any demand against the said Company, for or on account of any dealing with the said Company, shall have recourse against the separate property of any shareholder on account thereof, except in case of deficiency, or where the joint stock of the said Company shall fall short of or not be equal to the payment of any debt due by or demand against the said Company, or upon *nulla bona* being returned on any execution issued against the goods and chattels of the said Company, then and in either of such cases, the goods and chattels, lands and tenements of each shareholder shall and may be levied upon and seized respectively to satisfy such debt or demand, to the extent of double the amount of the share or shares, or interest of such shareholder in the joint stock or capital of the said Company, but no more ; and such double amount, or so much thereof as may be necessary to satisfy such debt or demand, shall and may be levied and seized by process of execution in the same suit in which such debt or demand may be recovered against the said Company.

11. If any person shall by any means, or in any manner or way whatsoever, obstruct or interrupt the free use of the said Telegraph, or any of its branches, or other works incidental or relative thereto or connected therewith, such person shall for every such offence incur a penalty or forfeiture of not less than five pounds nor exceeding ten pounds currency, to be recovered by summary conviction before one or more Justices of the Peace for the County or City and County where such offence is committed ; one half of the same, when levied and recovered, to be paid to the informer or person prosecuting for the same, and the other half to be paid into the hands of the Treasurer

of such County, and applied to the public uses of such County ; provided always, that the payment of such penalty or forfeiture shall not be held to relieve or discharge the person convicted of the same, from any claim for damages by the said Company for any loss or injury sustained by them in consequence of such obstruction or interruption.

12. If any person or persons shall wilfully, maliciously, and to the prejudice of the said Company, break, throw down, damage, or destroy any post or posts, rail, support, wire, machine, machinery, or other works or device erected, constructed, or possessed under the authority of this Act, or do any other wilful act, hurt, or mischief, to disturb, hinder, or prevent the carrying into execution, making, completing, supporting, maintaining, and using the said Electric Telegraph, either on the main line or on any of its branches, or other works therewith connected, every such person or persons so offending shall forfeit and pay to the said Company the amount of the damages and the costs of suit in that behalf incurred, in like manner as for any other trespass ; and for the further protection of the said Company, all persons wilfully breaking, throwing down, damaging, or destroying any of the works or property of the said Company as aforesaid, shall also be liable to the punishment prescribed for felony in any Act now or hereafter to be in force within this Province.

12th VICTORIA—CHAPTER 63.

An Act to amend an Act to incorporate the New Brunswick Electric Telegraph Company.

Section.

1. Repeal of Section of what Act.

Section.

2. Preference messages, to whom secured.

Passed 14th April 1849.

Be it enacted, &c.—1. The seventh Section of an Act made and passed in the eleventh year of the Reign of Queen Victoria, intituled *An Act to incorporate the New Brunswick Electric Telegraph Company*, be and the same is hereby repealed ; and in lieu thereof,

2. It shall be lawful for the Lieutenant Governor or Administrator of the Government of this Province for the time being, to have and enjoy at all reasonable and proper times, and in

preference to all others whomsoever, the right and privilege of using the said line of Electric Telegraph and branches, for the transmission of messages relating to the public service only, whether Imperial or Provincial, from or to any stations in and throughout the Province; and the rates of charge therefor shall not in any one case, or at any one time, exceed the established and ordinary rates of charge made to private individuals and others for the transmission of private messages.

13th VICTORIA—CHAPTER 11.

An Act to incorporate the Fredericton and Saint John Electric Telegraph Company.

Section.

1. Incorporation of Company.
2. Capital.
3. Telegraph Line, what may make.
4. Public roads, &c., may be entered upon.
5. Private property, when entered upon, &c.

Section.

6. Tolls, &c., may be taken.
7. Governor to have preference.
8. When meeting for choice of Directors, &c.
9. Debts, what answerable for.

Passed 26th April 1850.

WHEREAS the construction of a Line of Electro-Telegraphic communication between the Cities of Saint John and Fredericton, in this Province, would be of great advantage, and it is deemed advisable to extend encouragement to such persons as may erect and maintain such line, by granting them an Act of Incorporation;—

Be it therefore enacted, &c.—1. Robert Jardine, John Duncan, Lemuel A. Wilmot, Charles Fisher, Spafford J. Barker, Frederick W. Hatheway, Charles Macpherson, and William H. Robinson, and such other persons as shall from time to time become proprietors of shares in the Corporation hereby established, their successors and assigns, shall be and they are hereby ordained, constituted, and declared to be a Corporation, and a body politic and corporate, by the name of “The Fredericton and Saint John Electric Telegraph Company,” and by that name shall have all the powers made incident to a Corporation by the Acts of Assembly in this Province, for the purpose of constructing such line of Electro-Telegraphic communication as hereinafter more particularly set forth.

2. The capital stock of the said Corporation shall be one thousand five hundred pounds, with power to the said Company to increase the same to two thousand pounds if the same shall

become desirable in carrying out the purposes of the Company; the whole amount of the said capital stock to be divided into shares of five pounds each, which shares shall be vested in the several persons hereinbefore named, and such other persons as may take shares in the said Corporation, their successors and assigns, in proportion to their respective shares and interest; which said shares shall be paid at such times and places and in such proportions as the Directors of the Company shall appoint; provided always, that the money so to be raised as aforesaid is hereby directed and required to be laid out for and towards the making, completing, and maintaining the said Electric Telegraph, and other purposes therewith connected, and to no other use or purpose whatsoever.

3. It shall be lawful for the said Company, and they are hereby authorized and empowered, by themselves, their deputies, agents, officers, and workmen, to make and complete a single or double line of Electric Telegraph, communicating from and between the Cities of Fredericton and Saint John, by the way of the Nerepis Road, with power to establish such branch lines in connexion therewith, as the increase of business, the establishment of Railroads, or other circumstances may make advisable, and for the purposes of the said main line and the several branches thereof to make such erections as may be necessary, and to purchase and acquire such machinery and contrivances, and real or moveable property, as may be or become necessary for the making, maintaining, and working the said Electro-Telegraphic communication, and may use, hold, and possess the land over which the said Electric Telegraph is to pass, in the manner and under the provisions hereinafter set forth.

4. It shall and may be lawful for the said Company, and their servants as aforesaid, to enter upon the side or sides of any or all of the public roads, bridges, streets, or highways in this Province, through, along, across, or by which the said Electro-Telegraphic line, or any of its branches, shall pass or be required to pass, and on the same to set up, erect, and construct such and so many posts or other works as they in their discretion may deem necessary for making, using, and maintaining the said Electric Telegraph, and from time to time, as often as the said Company or their servants shall think

proper, to break up and open any part whatsoever of the said road, streets, or highways, not interfering with that part of the same appropriated for the use of carriages, wagons, or horses, and to keep the same open during the time necessary for the setting up, erecting, and constructing of such posts or other works; provided always, that nothing herein shall be construed to extend to permit the setting up, erecting, or constructing of any post or work which may in any way obstruct any of the said public roads, streets, bridges, or highways; and provided always, that the said Company and their servants shall and do at their proper costs and charges, and without any unnecessary delay, repair and amend the said public roads, streets, and highways, in any part where they shall be so broken up and opened as aforesaid, to the like condition in which they were before breaking up the same.

5. If it shall at any time be deemed necessary by the said Company or their servants to carry any part of the said main or branch lines of the said Electro-Telegraphic communication through or over any estates, lands, or grounds, being private property, it shall be lawful for the said Company, by their agents or servants, to enter into and upon the lands of any person, bodies politic or corporate, as they shall think necessary for the making, completing, maintaining, or repairing the said line or lines, and on such lands to set up, construct, or build such posts, buildings, or other erections as may be necessary for such line or the branches thereof, and do all other matters and things which they the said Company shall think convenient and necessary for the making, extending, and easy using of the said Electric Telegraph, or its branches, or the works connected therewith; they, the said Company, doing as little damage as may be in the execution of the several powers to them hereby granted, and agreeing with the owner or owners, occupier or occupiers of such private property as to the amount of compensation to be paid to such owners or occupiers respectively; and in case of disagreement as to the amount of damages or compensation to be paid by the said Company, then the amount of such damages or compensation shall be ascertained and determined by three arbitrators, one to be chosen by the said Corporation or their servant, and one by the owners or occupiers of the private or corporate property in question, which

two arbitrators so chosen shall choose a third arbitrator ; and in case the two first mentioned arbitrators shall not agree in the choice of a third arbitrator, then and in such case it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, upon application of the said Corporation, to appoint a third arbitrator ; and the award of the said arbitrators, or any two of them, shall be final and conclusive in the matters referred to them ; and in case any of the said owners or occupiers of such private or corporate property shall decline making any such agreement or appointing such arbitrators, then and in every such case the said Corporation shall make application to the Supreme Court of this Province, or to any one of the Judges thereof, stating the grounds of such application, and such Court or Judge is hereby empowered and required from time to time, upon such application, to issue a writ or warrant, directed to the Sheriff of the County or City and County in which such lands lie, or in case of his being a party interested, then to any Coroner of such County, and in case of the said Sheriff and the said Coroner being both interested, then to some person or persons who may be disinterested, commanding such Sheriff, Coroner, person or persons disinterested, as the case may be, to summon and empanel a Jury of twelve freeholders within the said County, who may be altogether disinterested ; which Jury upon their oath, (which oath, as well as the oaths to be taken by any person or persons who shall be called upon to give evidence in the matter, the Sheriff, Coroner, or person or persons summoning such Jury is and are hereby empowered to administer) shall inquire, ascertain, and assess the distinct sum or sums of money or annual rent to be paid, as the amount of compensation and satisfaction for the damages which may and shall be sustained by such owner or owners, occupier or occupiers of such private or corporate property as aforesaid, and the award, inquisition, or verdict of such Jury shall be returned and filed in the office of the Clerk of the Pleas in the said Supreme Court, and shall be final and conclusive between the parties ; which amount so assessed as aforesaid, and the costs and expenses of such proceedings, when taxed and allowed by the said Supreme Court, or one of the Judges thereof, shall be borne by the said Corporation, and shall be by them paid within

thirty days after the said inquisition, award, or verdict shall be filed as aforesaid.

6. So soon as the main line of communication by the said Electric Telegraph, or any part thereof, or any of its branches, shall be completed and opened, it shall be lawful for the said Corporation at all times thereafter to ask, demand, take, sue for, and recover to and for their own proper use, such rates, tolls, or dues for the transmission and writing out of any and every message or communication of any kind soever transmitted and conveyed at the cost and charge of the said Company by or upon the said Electric Telegraph, and such sum or sums of money as the said Company may think just and reasonable.

7. It shall be lawful for the Lieutenant Governor or Administrator of the Government of this Province for the time being, to have and enjoy at all reasonable and proper times, and in preference to all others whomsoever, the right and privilege of using the said line of Electric Telegraph and branches for the transmission of messages relating to the public service only, whether Imperial or Provincial, from or to any stations with which the said line or any of its branches shall connect, and the rates of charge therefor shall not in any one case or at any one time exceed the ordinary rates of charge made to private individuals and others for the transmission of like messages; provided always, that such messages are strictly and solely of a public nature.

8. When and so soon as one half of the shares of the said capital stock shall have been subscribed for, a meeting of the stockholders shall and may be called by any of the corporators hereinbefore named, and such meeting shall be held at Fredericton, after fourteen days notice in the public Newspapers, or some of them, in Fredericton and Saint John; and at such meeting, or some adjournment thereof, Directors shall be chosen, bye laws made, and the Corporation organized, pursuant to the usual powers and usages of Corporations.

9. The joint stock and property of the said Company shall alone in the first instance be responsible for the debts and engagements of the same, and no creditor or person having any demand against the said Company for or on account of any dealing with the said Company, shall have recourse against the separate property of any shareholder on account thereof,

except in case of deficiency, or when the joint stock of the said Company shall fall short of or not be equal to the payment of any debt due by the said Company, or upon *nulla bona* being returned in any execution issued against the goods and chattels of the said Company, then and in either of such cases the goods and chattels, lands and tenements of each shareholder shall and may be levied upon and seized respectively, to satisfy such debt or demand, to the extent of double the amount of the share or shares or interest of such shareholder in the joint stock or capital of the said Company, but no more; and such double amount, or so much thereof as may be necessary to satisfy such debt or demand, shall and may be levied and seized by process of execution in the same suit in which such debt or demand may be recovered against the said Company.

14th VICTORIA—CHAPTER 3.

An Act to incorporate the Miramichi and Richibucto Electric Telegraph Company.

Section.

1. Incorporation of Company.
2. Capital.
3. Line of Telegraph, where made.
4. Public roads, &c. on what may enter, &c.
5. Private property, on what may enter, &c.
6. Tolls, &c. to be taken by Company.
7. Government to have preference, &c.

Section.

8. First meeting of stockholders to choose Directors, &c.
9. Annual meeting, where held.
10. Debts, what responsible for.
11. Penalty for obstructing Telegraph, &c.
12. Penalty for damaging works, &c.

Passed 15th March 1851.

WHEREAS the construction of a Line of Electro-Telegraphic communication between the Bend of Petitcodiac, in the County of Westmorland, and the Miramichi River, would be of great advantage, and it is deemed advisable to extend encouragement to such persons as may erect and maintain such line, by granting them an Act of Incorporation for that purpose;—

Be it therefore enacted, &c.—1. George Kerr, Lestock P. W. DesBrisay, William J. Fraser, Caleb M'Cully, David Wark, George H. Russel, Isaac Soureby, William E. Samuel, John W. Weldon, John M. Johnson, Richard Hutchison, James M'Phelim, John Mackie, John Baquell, John Pallen, John M'Dougall, Henry Cunard, Oliver Willard, John Wright, William S. Caie, John Wyse, Alexander Loudoun, William A. Black, and such other persons as shall from time to time become proprietors of shares in the Corporation hereby esta-

blished, their successors and assigns, shall be and they are hereby ordained, constituted, and declared to be a Corporation, and a body politic and corporate, by the name of "The Miramichi and Richibucto Electric Telegraph Company;" and by that name shall have all the powers made incident to a Corporation by the Acts of Assembly in this Province, for the purpose of constructing, maintaining, and working such line of Electro-Telegraphic communication as hereinafter more particularly set forth.

2. The capital stock of the said Corporation shall be two thousand pounds, divided into two hundred shares of ten pounds each, which shares shall be vested in the several persons hereinbefore named, and such other persons as may take shares in the said Corporation, their successors and assigns, in proportion to their respective shares and interest, which shares shall be paid at such times and places, and in such proportions as the Directors of the Company shall appoint; provided always, that the money so to be raised is hereby directed and required to be laid out for and towards the making, completing, and maintaining the said Electric Telegraph, and other purposes therewith connected, and to no other use or purpose whatsoever.

3. It shall be lawful for the said Company, and they are hereby authorized and empowered, by themselves, their deputies, agents, officers, and workmen, to make and complete a single or double line of Electro-Telegraphic communication from and between the Bend of Petitcodiac, in the County of Westmorland, and Chatham, in the County of Northumberland, with power to establish such branch lines in connexion therewith, as the increase of business, the establishment of Railroads, or other circumstance may make advisable, and for the purposes of the said main line and the several branches thereof, to make such erections as may be necessary, and to purchase and acquire such machinery and contrivances, and real or moveable property as may be or become necessary for the making, maintaining, and working the said Electro-Telegraphic communication, and may use, hold, and possess the land over which the said Electric Telegraph is to pass, in the manner and under the provisions hereinafter set forth.

4. It shall and may be lawful for the said Company, their

agents and servants, to enter upon the side or sides of any or all of the public roads, bridges, streets, or highways in this Province, through, along, across, or by which the said Electro-Telegraphic line or any of its branches shall pass or be required to pass, and on the same to set up, erect, and construct such and so many posts or other works as they in their discretion may deem necessary for making, using, and maintaining the said Electric Telegraph, and from time to time, as often as the said Company or their agents or servants shall think proper, to break up and open any part whatsoever of the said roads, streets, or highways, not interfering with that part of the same appropriated for the use of carriages, wagons, or horses, and to keep the same open during the time necessary for the setting up, erecting, and constructing of such posts or other works; provided always, that nothing herein shall be construed to extend or permit the setting up, erecting, or constructing of any post or work which may in any way obstruct any of the said public roads, streets, bridges, or highways; and provided always, that the said Company and their servants shall and do at their proper costs and charges, and without any unnecessary delay, repair and amend the said public roads, streets, and highways in any part where they shall be so broken up and opened as aforesaid, to the like condition in which they were before breaking up the same.

5. If at any time it shall be deemed necessary by the Company or their servants to carry any part of the said main or branch lines of the said Electro-Telegraphic communication through or over any estate, lands, or grounds, being private property, it shall be lawful for the said Company, by their agents or servants, to enter into and upon the said lands of any person or persons, bodies politic or corporate, as they shall think necessary for the making, completing, maintaining, or repairing the said line or lines, and on such lands to set up, construct, or build such posts, buildings, or other erections as may be necessary for such line or the branches thereof, and do all other matters and things which the said Company shall think convenient and necessary for the making, extending, and easy using of the said Electric Telegraph or its branches, or the works connected therewith, they, the said Company, doing as little damage as may be in the execution of the

several powers to them hereby granted, and agreeing with the owner or owners, occupier or occupiers of such private property, as to the amount of compensation to be paid to such owner or owners respectively ; and in case of disagreement as to the amount of damages or compensation to be paid by the said Company, then the amount of such damages or compensation shall be ascertained and determined by three arbitrators, one to be chosen by the said Corporation, or their agent or servant, and one by the owner or occupier of the said private or corporate property in question, which two arbitrators so chosen, shall choose a third arbitrator ; and in case the two first mentioned arbitrators shall not agree in the choice of a third arbitrator, then and in such case it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, upon application of the said Corporation, to appoint a third arbitrator ; and the award of the said arbitrators, or any two of them, shall be final and conclusive in the matters referred to them ; and in case any of the said owners or occupiers of such private or corporate property shall decline making any such agreement, or appointing such arbitrator, then and in every such case the said Corporation shall make application to the Supreme Court of this Province, or to any one of the Judges thereof, stating the grounds of such application, and such Court or Judge is hereby empowered and required from time to time, upon such application, to issue a writ or warrant, directed to the Sheriff of the County or City and County in which such lands lie, or in case of his being a party interested, then to any Coroner of such County not interested, and in case of the said Sheriff and Coroner being both interested, then to some other person or persons who may be disinterested, commanding such Sheriff, Coroner, person or persons disinterested, as the case may be, to summon and empanel a Jury of twelve freeholders within the said County, who may be altogether disinterested, which Jury upon their oath, (which oath, as well as oaths to be taken by any person or persons who shall be called upon to give evidence in the matter, the Sheriff, Coroner, or person or persons summoning such Jury, is hereby empowered to administer) shall inquire, ascertain, and assess the distinct sum or sums of money or annual rent to be paid as the amount of

compensation and satisfaction for the damages which may and shall be sustained by such owner or owners, occupier or occupiers of such private or corporate property as aforesaid ; and the award, inquisition, or verdict of such Jury shall be returned and filed in the office of the Clerk of the Pleas in the said Supreme Court, and shall be final and conclusive between the parties ; which amount so assessed as aforesaid, and the costs and expenses of such proceedings, when taxed and allowed by the said Supreme Court, or one of the Judges thereof, shall be borne by the said Corporation, and shall be by them paid within thirty days after the said inquisition, award, or verdict shall be filed as aforesaid.

6. So soon as the main line of communication by the said Electric Telegraph, or any part thereof, or any of its branches, shall be complete and opened, it shall and may be lawful for the said Corporation at all times to ask, demand, take, sue for, and recover to and for their own proper use, such rates, tolls, or dues for the transmission and writing out of any and every message or communication of any kind soever transmitted and conveyed at the cost and charge of the said Company, by or upon the said Electric Telegraph, and such sum or sums of money as the said Company may think just and reasonable.

7. It shall be lawful for the Lieutenant Governor or Administrator of the Government for the time being, to have and enjoy at all reasonable and proper times, and in preference to all others whomsoever, the right and privilege of using the said line of Electric Telegraph and branches for the transmission of messages relating to the public service only, whether Imperial or Provincial, from or to any stations with which the said line or any of its branches shall connect, and the rate of charges therefor shall not in any one case or at any one time exceed the ordinary rates of charges made to private individuals and others for the transmission of like messages ; provided always, that such messages are strictly and solely of a public nature.

8. When and so soon as one half of the shares of the said capital stock shall have been subscribed for, a meeting of the stockholders shall and may be called by any three of the incorporators hereinbefore named, and such meeting shall be held at Chatham, in the County of Northumberland, after ten days

notice in the Gleaner Newspaper published at Miramichi; and at such meeting, or some adjournment thereof, a President shall be chosen from among the stockholders, and six Directors shall be chosen for the current year, of which three shall be resident in the County of Northumberland and three in the County of Kent; and at such meeting, or some adjournment thereof, to make bye laws, rules, and ordinances for prescribing the duties, powers, and authorities of the said President, Directors, and officers of the said Company, and for regulating the transfer, registry, and forfeiture of shares, the right of voting in respect of the number of shares held by each shareholder respectively, and for voting either personally or by proxy, and generally for the good order, conduct, and government of the said Company, its affairs and business, as may be requisite and necessary.

9. The annual meeting of the said Company shall take place on the first Tuesday in January in each year, and shall be held alternately in Chatham and Richibucto; the first annual meeting to be held at Richibucto on the first Tuesday in January next.

10. The joint stock and property of the said Corporation shall alone be responsible for the debts and engagements of the said Company.

11. If any person shall by any means, or in any manner or way whatsoever, obstruct or interrupt the free use of the said Telegraph, or any of its branches, or other works incidental or relative thereto or connected therewith, such person shall for every such offence incur a penalty or forfeiture of not less than five pounds nor exceeding ten pounds currency, to be recovered by summary conviction before one or more Justices of the Peace for the County or City and County where such offence is committed; one half of the same, when levied and recovered, to be paid to the informer or person prosecuting for the same, and the other half to be paid into the hands of the Treasurer of such County, and applied to the public uses of such County; provided always, that the payment of such penalty or forfeiture shall not be held to relieve or discharge the person convicted of the same from any claim for damages by the said Company for any loss or injury sustained by them in consequence of such obstruction or interruption.

12. If any person or persons shall wilfully, maliciously, and to the prejudice of the said Company, break, throw down, damage, or destroy any post or posts, rail, support, wire, machine, machinery, or other works or device erected, constructed, or possessed under the authority of this Act, or do any other wilful act, hurt, or mischief to disturb, hinder, or prevent the carrying into execution, making, completing, supporting, maintaining, and using the said Electric Telegraph, either on the main line or on any of its branches, or other works therewith connected, every such person or persons so offending, shall forfeit and pay to the said Company the amount of the damages and the costs of suit in that behalf incurred, in like manner as for any other trespass.

14th VICTORIA—CHAPTER 7.

An Act to amend and extend the operation of the Act to incorporate the Fredericton and Saint John Electric Telegraph Company.

Section.

1. Line, where extended.
2. What Sections extended, and to what.

Section.

3. Capital increased.

Passed 15th March 1851.

WHEREAS it is desirable to extend the line of the Telegraph to Woodstock in this Province, now in operation under an Act made and passed in the thirteenth year of Her present Majesty, intituled *An Act to incorporate the Fredericton and Saint John Electric Telegraph Company*;—

Be it enacted, &c.—1. The Fredericton and Saint John Electric Telegraph Company are hereby empowered and authorized to erect and build a line or lines of Electric Telegraph communication in, through and from the City of Fredericton, in and to and through the Town of Woodstock, in the County of Carleton, in such direction as they may deem meet.

2. The third, fourth, fifth, sixth, and seventh Sections of the said Act, passed in the thirteenth year of Her present Majesty's Reign, intituled *An Act to incorporate the Fredericton and Saint John Electric Telegraph Company*, shall extend and apply to and be in force in respect of the said line or lines of Electric communication so to be erected under the provisions

of this Act, and all and every the powers, authorities, methods, remedies, rules, regulations, advantages, directions, clauses, matters, and things contained in the said several Sections respectively, shall be created, incurred, and be observed in regard to and in respect of the said line or lines of Electric communication, as fully and effectually to all intents and purposes as if the said powers, authorities, methods, remedies, rules, regulations, advantages, directions, clauses, matters, and things were severally and respectively repealed and re-enacted herein; and the provisions of an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act for the punishment of persons guilty of injuring Electric Telegraphs*, are hereby declared to extend to the line or lines to be constructed by virtue of this Act.

3. The capital stock of the said Corporation shall be and is hereby increased to two thousand five hundred pounds, with power to the said Company to further increase the same to three thousand pounds, if they deem it necessary for the purposes of the Company.

14th VICTORIA—CHAPTER 8.

An Act to incorporate within this Province the British North American Electric Telegraph Association.

Section.

1. Incorporation.
2. Telegraph Line, where may be made.
3. Public roads, &c., may enter upon, &c.
4. Private property, may enter upon, &c.
5. Tolls, &c., what may take.

Section.

6. Governor to have preference.
7. Award, &c., effect of.
8. Debts, what responsible for.
9. Destroying works, punishment for.

Passed 30th April 1851.

WHEREAS under the provisions of an Act made and passed by the Legislature of the Province of Canada in the twelfth year of the Reign of Her present Majesty, intituled *An Act to incorporate the British North American Electric Telegraph Association*, the said Company has been duly organized and constituted, and the works by them erected are now in actual operation: And whereas it is deemed advisable to incorporate the said Company within this Province, to enable them to connect their works at Woodstock, in the County of Carleton, with those of a similar nature to be constructed to Woodstock by the Fredericton and Saint John Electric Telegraph Company;—

Be it therefore enacted, &c.—1. George O'Kill Stewart, the Honorable Rene Edouard Caron, Peter Langois, Junior, John Jones, Christian Wurtell, James Tibbits, Henry John Noad, Alexander Gillespie, and Edward Boxer, together with such other persons as shall hereafter become proprietors of shares in the said Company, their successors and assigns, shall be and they are hereby united into a Company for the constructing, completing, and maintaining a line or lines of Telegraphic communication from some place in the said Province of Canada, to and through Woodstock in this Province, and shall for that purpose be and are hereby declared to be a Corporation, and a body politic and corporate, by the name of "The British North American Electric Telegraph Association," and by that name shall have perpetual succession and a common seal, and all other powers made incident to a Corporation by the Acts of Assembly in this Province, for the purpose aforesaid.

2. It shall be lawful for the said Company, and they are hereby authorized and empowered by themselves, their deputies, agents, officers, and workmen, to make and complete a single or double line of Electric Telegraph, communicating from and between some place in the Province of Canada, to and through Woodstock in this Province, with power to establish such branch lines in connexion therewith as the increase of business, the establishment of Railroads, or other circumstances may make advisable; and for the purposes of the said main line and the several branches thereof, to make such erections as may be necessary, and to purchase and acquire such machinery, contrivances, and materials, and real or moveable property, as may be necessary for the making, maintaining, and working the said Electro-Telegraphic communication, and may use, hold, and possess the land over which the said Electric Telegraph is to pass, in the manner and under the provisions hereinafter set forth.

3. It shall be lawful for the said Company, their agents and servants, to enter upon the side or sides of all or any of the public roads, bridges, streets, or highways in this Province, through, along, across, or by which the said Electro-Telegraphic line or any of its branches shall pass or be required to pass, and on the same to set up, erect, and construct such and so many

posts or other works as they in their discretion may deem necessary for making, using, and maintaining the said Electric Telegraph, and from time to time as often as the said Company, or their agents or servants, shall think proper, to dig, break up, and open any part whatsoever of the said roads, streets, or highways, not interfering with that part of the same appropriated for the use of carriages, wagons, or horses, and to keep the same open during the time necessary for the setting up, erecting, and constructing of such posts or other works; provided always, that nothing herein shall be construed to extend to prevent the setting up, erecting, or constructing of any posts or work which may in any way obstruct any of the said public roads, streets, bridges, or highways; and provided also, that the said Company, their agents or servants, do and shall at their proper costs and charges, and without any unnecessary delay, repair and amend the said public roads, streets, and highways, in any part where they shall be so broken up, dug, or opened as aforesaid, to the like condition in which they were before digging and breaking up the same.

4. If it shall at any time be deemed necessary by the said Company, or their agents or servants, to carry any part of the said main or branch lines of the said Electric Telegraph through or over any estates, lands, or grounds, being private property, it shall be lawful for the said Company, by their agents or servants, to enter into and upon the lands of any person, or bodies politic or corporate, as they shall think necessary, for the making, completing, maintaining, or repairing the said line or lines, and on such lands to set up, construct, or build such posts, buildings, or other erections as may be necessary for such line or the branches thereof, and do all other matters and things which they, the said Company, or their agents, shall think convenient and necessary for the making, extending, repairing, and easy using of the said Electric Telegraph or its branches, or the works connected therewith, they, the said Company, doing as little damage as may be in the execution of the several powers to them hereby granted, and agreeing with the owner or owners, occupier or occupiers of such private property, as to the amount of compensation to be paid to such owners or occupiers respectively; and in case of disagreement as to the amount of damages or

compensation to be paid by the said Company, then the amount thereof shall be ascertained and determined by three arbitrators, one to be chosen by the said Company or their agents, and one by the owners or occupiers of the private or corporate property in question, which two arbitrators so chosen shall choose a third arbitrator ; and in case the two first mentioned arbitrators shall not agree in the choice of a third arbitrator, then and in such case it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, upon application of the said Corporation, or their agent, to appoint a third arbitrator ; and the award of the said arbitrators, or any two of them, shall be final and conclusive in the matters referred to them, and shall be filed in the office of the Clerk of the Pleas of the Supreme Court ; and in case any of the said owners or occupiers of such private or corporate property shall decline making any such agreement, or appointing such arbitrator, then and in every such case the said Corporation or their agent shall make application to the Supreme Court of this Province, or to any one of the Judges thereof, stating the grounds of such application ; and such Court or Judge is hereby empowered and required from time to time, upon such application, to issue a writ or warrant directed to the Sheriff of the County or City and County in which such lands lie, or in case of his being a party interested, then to any Coroner of such County, and in case of the said Sheriff and Coroner being both interested, then to some disinterested person or persons, commanding such Sheriff, Coroner, person or persons disinterested, as the case may be, to summon and empanel a Jury of twelve freeholders within the said County who may be altogether disinterested, which Jury upon their oath, (which oath, as well as the oaths to be taken by any person or persons who shall be called upon to give evidence in the matter, the Sheriff, Coroner, or person or persons summoning such Jury, is and are hereby empowered to administer) shall inquire, ascertain, and assess the distinct sum or sums of money or annual rent to be paid as the amount of compensation and satisfaction for the damages which may and shall be sustained by such owner or owners, occupier or occupiers of such private or corporate property as aforesaid ; and the award, inquisition, or verdict of such Jury, shall be

returned and filed in the office of the Clerk of the Pleas in the said Supreme Court, and shall be final and conclusive between the parties ; which amount so assessed as aforesaid, and the costs and expenses of such proceedings, when taxed and allowed by the said Supreme Court, or one of the Judges thereof, shall be borne by the said Corporation, and shall be by them paid within thirty days after the said inquisition, award, or verdict shall be filed as aforesaid.

5. So soon as the main line of communication by the said Electric Telegraph, or any part thereof, or any of its branches, shall be completed and opened, it shall be lawful for the said Company at all times thereafter to ask, demand, take, sue for, and recover to and for their own proper use, such rates, tolls, or dues, and such sum or sums of money as they may think just and reasonable, for the transmission and writing out of any and every message or communication of any kind soever transmitted and conveyed at the cost and charge of the said Company by or upon the said Electric Telegraph.

6. It shall be lawful for the Governor General or Administrator of the Government of the Province of Canada for the time being, and for the Lieutenant Governor or Administrator of the Government of this Province for the time being, to have and enjoy at all reasonable and proper times, and in preference to all others whomsoever, the right and privilege of using the said line of Electric Telegraph and any of its branches, for the transmission of messages or communications relating to the public service only, whether Imperial or Provincial, from or to any stations with which the said line or any of its branches shall connect, and the rates of charge therefor shall not in any one case or at any one time exceed the ordinary rates of charge made to private individuals and others for the transmission of like messages ; provided always, that such messages and communications are strictly and solely of a public nature.

7. Any award made, or any verdict given by any jury of inquiry, in the manner and for the purposes provided for in the fourth Section of this Act, shall have the force and effect of a judgment of the Supreme Court, and it shall and may be lawful for any person or persons, or bodies politic or corporate, in whose favour any such award shall be made or verdict given, to issue out of the Supreme Court of this Province a writ in

the form as near as may be of a *feri facias*, for the recovery of the amount of such award or verdict, and the costs thereof, together with the costs of obtaining such writ, directed to the Sheriff of any County in this Province where property of the said Company may be found, which writ shall briefly recite such award or verdict, and shall be subject to the like rules in every respect as executions issued upon judgments in ordinary cases; provided always, that no such writ shall issue against the said Company till after the expiration of thirty days from the filing of such award or verdict, nor without the order of the Supreme Court or a Judge thereof, to be made on affidavit of a demand of the amount of such award or verdict, and the taxed costs, from the said Company or their agents, thirty days before such application and the non-payment thereof.

8. The property of the said Company shall alone in the first instance be responsible for the debts, liabilities, and engagements of the same; and no creditor, person, or body politic or corporate, having any demand against the said Company for or on account of any dealings or transactions with the said Company, shall have recourse against the separate property of any shareholder on account thereof, except in case of deficiency, or when the property of the said Company shall fall short of or not be equal to the payment of any debt or liability of the said Company, or upon *nulla bona* being returned to any execution issued against the goods and chattels, lands and tenements of the said Company, then and in either of such cases, the goods and chattels, lands and tenements of each shareholder, shall and may be levied upon and seized respectively to satisfy such debt or demand to the extent of double the amount of the share or shares or interest of such shareholder in the joint stock or capital of the said Company, but no more; and such double amount, or so much thereof as may be necessary to satisfy such debt or demand, shall and may be levied and seized by process of execution in the same suit in which such debt or demand may be recovered against the said Company.

9. Whosoever shall wilfully break, throw down, cut, sever, injure, damage, or destroy any of the works, machinery, or property of the said Company, or do any other act whereby the communication by the said line of Electric Telegraph or any branch thereof may be interrupted, shall be guilty of felony,

and being convicted thereof, shall be liable to be imprisoned in the Provincial Penitentiary for any term not exceeding four years, which punishment shall be in addition to any civil or other remedy for such offence.

15th VICTORIA—CHAPTER 72.

An Act in addition to and amendment of an Act intituled
*An Act to incorporate the Miramichi and Richibucto
Electric Telegraph Company.*

Section.

1. What persons to be Corporation.
2. Capital, &c.

Section.

3. Telegraph Line, where to erect.

Passed 7th April 1852.

WHEREAS by an Act of the General Assembly of this Province, made and passed in the fourteenth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Miramichi and Richibucto Electric Telegraph Company*, reciting that—"Whereas the construction of a line of Electro-Telegraphic communication between the Bend of Petitcodiac in the County of Westmorland, and the Miramichi River, would be of great advantage, and it is deemed advisable to extend encouragement to such persons as may erect and maintain such line, by granting them an Act of Incorporation for that purpose;" it was enacted that certain persons therein named, and such other persons as should from time to time become proprietors of shares, should be incorporated by the name of "The Miramichi and Richibucto Electric Telegraph Company:" And whereas of the persons who had agreed to form the said Company residing in the Counties of Northumberland and Kent, many have declined to pay in any portion of their stock, whereby the present shareholders are confined to the County of Northumberland, who have proceeded under the said Act, and built that part of the said line leading from Chatham, in the County of Northumberland, to Richibucto, in the County of Kent, which line is now in efficient working order: And whereas in consequence of a line of Electric Telegraph from Richibucto to the Bend of Petitcodiac being already in operation, it is at present unnecessary that the said Company should extend their line to the Bend;—

Be it therefore enacted, &c.—1. The said Company so in-

corporated shall consist of the following persons, viz :—John Mackie, William Muirhead, Robert Johnston, Junior, George Johnston, William J. Fraser, William A. Black, John M. Johnson, Solomon Samuel, Caleb M'Culley, James Caie, William Kelly, Alexander Loudoun, Robert Johnston, William M'Rae, Richard Hutchison, Allan A. Davidson, John Nicholson, William Wilkinson, John Cameron, George H. Russel, Hugh Bain, and Peter Mitchell, who, together with such other persons as are or shall from time to time become proprietors of shares in said Corporation, be and they are hereby declared to compose the same, instead of the persons named in the aforesaid Act.

2. The capital stock of the said Corporation may consist of sixty shares of ten pounds each, or be extended to two hundred and fifty shares of ten pounds each, as the said Company may find necessary ; and it shall not hereafter be necessary that any of the meetings of the said Company shall be holden in the County of Kent, nor that the President or any of the Directors or officers should reside in the said County of Kent, nor that the officers should consist of a President and six Directors, but that from and after the passing of this Act, the meetings may be held and the officers reside within such limits as the Company may determine and fix by bye law, and the officers shall consist of a President and four Directors.

3. It shall and may be lawful for the said Company to extend a single or double line of Electric Telegraph from Chatham, in the said County of Northumberland, to the Counties of Gloucester and Restigouche, and through the same, and to build branch lines therefrom, subject to the same restrictions and conditions, and with the same privileges, rights, remedies, and advantages, as prescribed by the said Act of Incorporation ; and the said Act and every part thereof not hereby altered or repealed, shall apply to the said extended lines, and to the said Company, and to persons interfering therewith, as if the same had been originally included therein ; and the said Act shall remain in full force except so far as the same is inconsistent with this Act ; and all proceedings of the said Company had thereunder, shall be as valid and effective as if this Act had not been made.

16th VICTORIA—CHAPTER 43.

An Act in addition to and amendment of an Act to incorporate the New Brunswick Electric Telegraph Company.

Section.

1. Capital stock, how to be managed.
2. Unpaid calls, how to be disposed of.
3. Unpaid calls, what proceedings therefor against stockholders.

Section.

4. In suit therefor, mode of dealing.
5. On the trial, what to prove.

Passed 1st May 1854.

Be it enacted, &c.—1. The said New Brunswick Electric Telegraph Company shall have power to call in the balance of the capital stock of twenty five thousand pounds, or so much thereof as may be required from time to time, by the issue, allotment, sale, or other disposal of shares in the said Company, as already provided for by the Act of Incorporation of said Company; or should the said Company at a general meeting deem it advisable, by reducing the number of shares in said Company provided for by the second Section of said Act, and by increasing the amount thereof, and from time to time assessing on the shares issued by the said Company, and so increased, such sums as may from time to time be required for extending or carrying on the business and operations of said Company, in such manner as shall be determined on at any general meeting of said Company; provided always, that the capital stock shall not exceed the said sum of twenty five thousand pounds, nor the amount of shares thus increased the sum of twenty five pounds each.

2. If any stockholder shall neglect or refuse to pay to the Treasurer the amount of such call or assessment upon his share or shares at the time prescribed, it shall be the duty of such Treasurer to advertise all such delinquent shares for sale at public auction, giving at least thirty days notice of the time and place of such sale; and all shares upon which the call or assessment is not then paid, with interest from the time such call or assessment became due, shall be sold at public auction to the highest bidder, and after retaining the amount of call or assessment, and interest due on each share, and the expense of advertising and selling, the residue, if any, shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchasers.

3. If at the time appointed by the said New Brunswick Electric Telegraph Company for the payment of any call or assessment made or hereafter to be made, any shareholder shall have failed or shall fail to pay the amount of such call or assessment, or any part thereof, it shall be lawful for the said Company to sue such shareholder for the amount thereof, or so much thereof as may be and remain due and owing thereon, in any Court of law or equity having competent jurisdiction, and to recover the same, with lawful interest from the day on which such call or assessment was payable, with costs of suit.

4. In any action or suit to be brought by the said Company against any shareholder to recover any money due for any call or assessment, it shall not be necessary to set forth the special matter, but it shall be sufficient for the said Company to declare that the defendant is the holder of one share or more in the said Company, [*state the number of shares,*] and is indebted to the said Company in the sum of money to which the calls or assessments in arrear shall amount, in respect of one call or assessment or more upon one share or more, [*state the number and amount of such calls or assessments,*] by which an action hath accrued to the said Company by virtue of this Act.

5. On the trial or hearing of such action or suit it shall be sufficient to prove that the defendant at the time of making such call or assessment, was a holder of one share or more in the said undertaking, and that such call or assessment was in fact made; and thereupon the said Company shall be entitled to recover what shall be due upon such call or assessment, and interest thereon, unless it shall appear that thirty days notice of such call or assessment was not given.

BOOM COMPANIES.

7th VICTORIA—CHAPTER 34.

An Act to incorporate the Fredericton Boom Company.

Section.

1. Incorporation of Company.
2. Capital.
3. First meeting, how called.
4. Deposit, when to be made.
5. Navigation not to be affected.
6. Boom, how long kept open.
7. Charges for rafting, &c.
8. Picking up, &c. Timber, by whom.
9. Lien for boomage, on what, &c.

Section.

10. Repealed.
11. Timber escaping, who liable for.
12. Disputes, how settled.
13. Stock shares, how assessed, &c.
14. When Act to be void.
15. Debts, &c., who liable for.
16. Repealed.
17. Limitation.

Passed 13th April 1844.

WHEREAS the erection of a Side Boom or Booms at or near the Short Ferry, so called, below Fredericton, will be a great benefit to persons engaged in the Lumber business, by enabling them to secure Timber and Logs, Masts, Spars, and other Lumber floating down the River Saint John, at a moderate expense: And whereas it is deemed expedient to incorporate a Company for that purpose;—

Be it therefore enacted, &c.—1. John Glazier, Stephen Glazier, James Taylor, William J. Bedell, Spafford Barker, Jacob Mackeen, Isaac Kilburn, and Duncan Glazier, and their associates, successors, and assigns, be and they are hereby declared to be a body corporate, by the name of “The Fredericton Boom Company,” and shall have all the general powers made incident to a Corporation by Act of Assembly in this Province, for the purpose of erecting and maintaining a Side Boom or Booms and any other works on the shore connected therewith, at or near the Short Ferry, so called, below Fredericton, for the more convenient collecting, picking up, securing, and rafting timber, logs, masts, spars, and other lumber floating down the River Saint John, and for carrying on and managing the same.

2. The capital stock of the said Corporation shall be two thousand pounds of current money of New Brunswick, and shall be divided into eighty shares of twenty five pounds each.

3. The first meeting of the said Corporation shall be called by James Taylor, Esquire, or in case of his death or refusal to act, by any two of the said Corporation, after ten days notice in a Newspaper published in Fredericton, for the purpose

of organizing the said Corporation, which meeting shall be held at the time and place mentioned in such notice.

4. The subscribers for stock in the said Corporation shall, previous to the first meeting of the said Corporation, pay into the hands of such person or persons as the persons incorporated by the first Section of this Act, or the major part of them, or in case of the death of any of them, the major part of the survivors, such an instalment or deposit on the capital stock of the said Corporation they subscribe for, as the said persons incorporated, or the major part of them as aforesaid, may appoint and determine, due notice being given at the time of the notice calling the first meeting of the members and stockholders of the Corporation, of the time or several periods of time when, of the place and places where, and person and persons to whom the said instalment or deposit shall be paid, and the said instalment or deposit shall be taken and allowed to every subscriber who shall pay it, as part of the capital stock required to be paid in under and by virtue of this Act, and every subscriber who shall neglect or refuse to pay in the said deposit or instalment shall be deemed a defaulter, and no subscriber shall upon any pretence whatsoever vote at the first meeting for the choice of Directors upon any share or shares, unless he has paid the said instalment or deposit.

5. Nothing in this Act contained shall be construed to authorize the said Corporation to interfere with the navigation of the River Saint John.

6. The said Corporation shall and they are hereby required to keep the said Boom open and in order to receive timber, logs, masts, spars, and other lumber floating down the River Saint John, from the opening of the Spring, and after the time the River is clear of ice, until the twentieth day of October in each and every year during the continuance of this Act.

7. The said Corporation shall be entitled to receive a sum not exceeding one shilling and one penny half penny per ton for each and every ton of timber, and a sum not exceeding two shillings and six pence per thousand for each and every thousand superficial feet of logs, masts, and spars, or other lumber, which they shall secure and raft in a substantial manner with good and sufficient boom poles, and put in good and sufficient joints, such as are usually made, preparatory to

their being put in large rafts for transportation to Saint John ; such payments to be in full for rafting and securing the said timber as aforesaid, and also for collecting and keeping up, and floating down the said timber and logs so rafted in the said Boom or Booms, from Crock's Point, so called ; and also, for all scattered timber and logs, which by the force of the current or water may be driven into the said Boom or Booms, and secured thereby, and so rafted in joints.

8. It shall be the duty of the said Corporation, and they are hereby required to collect together, pick up, and float down into the said Boom or Booms, and there secure and raft in joints all timber and logs floating in the River Saint John, or aground on any flat or shore, or any of the islands or bars below Crock's Point, so called, at any time between the opening of the Spring and the River being entirely clear of ice, and the twentieth day of October in each and every year during the continuance of this Act, providing the owner or owners of such timber or logs shall have previously furnished the said Corporation, or the agent or agents, with the mark or marks of such timber, logs, masts, spars, or other lumber, previously to its coming to Crock's Point, so called, and after so furnishing the said marks, the same shall be considered to be under full control of and liable to boomage to the said Corporation.

9. The said Corporation shall have a lien on all timber, logs, masts, spars, and other lumber which may be rafted in the said Boom in joints fit to be carried to Saint John in the manner prescribed by the seventh Section of this Act, or which shall be carried into the said Boom by the force of the current ; and the said Corporation, or agent or agents, may retain the said timber, logs, masts, spars, and other lumber, or sufficient part of them to pay the boomage until such boomage is paid or secured ; provided always, that nothing herein contained shall be construed to extend to authorize the said Corporation to detain or interfere with any joint, joints, or rafts of timber, logs, masts, spars, or other lumber, which may be on its passage to any place either above or below said Booms with men on, and may by the force of the current or other accident get into said Booms and be caught therein, but the owner or owners thereof shall be permitted to remove the same with care, or the agent or servants of the said Corporation may do so at their option.

10. Repealed by 11 V. c. 50, s. 2.

11. The said Corporation shall not be liable for the loss of any timber, logs, masts, spars, or other lumber which may pass out of or by the said Boom, or escape therefrom, unless such loss is occasioned by their neglect or default, or the neglect or default of the agents or servants; provided always, that the said Corporation, their agents or servants, shall be bound to follow and use all due diligence to collect together and pick up and secure and raft all such timber, logs, masts, spars, or other lumber, of which they may have been previously furnished with the marks as prescribed by the eighth Section of this Act, which may pass out of or by or escape from or run below the said Boom.

12. All questions of difference or dispute of any kind relating to the quantity of timber, logs, masts, spars, or other lumber, or to the mode of rafting such timber, logs, masts, spars, or other lumber, shall be submitted to the award or arbitrament and determination of three persons indifferently chosen between the parties, the award and determination of them or any two of them shall be final and conclusive between the parties, which referees or any two of them shall also determine and award by whom and how the expenses of such reference shall be paid; provided always, that such reference may be made to one person if the parties can agree upon such one, who shall be vested with the like powers herein assigned to the three referees.

13. The said Corporation shall have power to levy and collect assessments upon the shares from time to time of such sums of money as may be deemed necessary for carrying on the business of the said Corporation, and whenever any such assessment shall be made by the stockholders of the Corporation, it shall be the duty of the Treasurer to give notice thereof in a Newspaper printed in Fredericton, requiring payment of the same within ten days, and if any stockholder shall neglect and refuse to pay to the Treasurer the amount of such assessment upon his share or shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent shares for sale at public auction, giving at least fifteen days notice of the time and place of such sale; and all shares upon which the assessment is not then paid, with interest from the

time such assessment became due, shall be sold to the highest bidder, and after retaining the amount of assessment and interest due on each share, and the expense of advertising and selling, the residue, if any, shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchasers; provided always, that no assessment shall be made except by a vote of the stockholders and by a majority of all the shares.

14. Unless a good and sufficient Boom for the purpose contemplated by this Act shall be erected within four months after the passing of this Act, and a certificate thereof under the hand of the agent or the principal officer of the said Corporation, attested to by such agent or other principal officer before one of Her Majesty's Justices of the Peace, and which oath such Justice is hereby authorized to administer, shall be filed in the Office of the Secretary of the Province, then the corporate powers hereby granted shall be deemed null and void.

15. The members and stockholders of the said Corporation shall be chargeable in their private and individual capacity, and shall be holden for the payment of all debts at any time due from the said Corporation, or damages sustained by the default or neglect of the said Corporation or their agents or servants, in proportion to the stock they respectively hold; provided however, that in no case shall any stockholder be liable to pay a sum exceeding the amount of stock actually then held by such member or stockholder in addition to the stock then held by such stockholder; provided nevertheless, that nothing herein contained shall be construed to exempt the joint stock of the said Corporation from being also liable for and chargeable with the debts and engagements of the same.

16. Repealed by 11 V. c. 50, s. 6.

17. This Act shall continue and be in force for five years and no longer.

7th VICTORIA—CHAPTER 49.

An Act to incorporate the Arestook Boom Company,

Section.

1. Incorporation of Company.
2. Boom, when may be erected.
3. Private property, how protected.
4. Boom, how secured, &c.
5. Boom, how opened, &c.

Section.

6. Boom, injury to; penalty.
7. Boomage.
8. When Act to be void.
9. Limitation.
10. Suspending clause.

Passed 13th April 1844.

WHEREAS the erection of a Boom at the mouth of the Arestook River will be convenient and advantageous to the commercial interests of the Province;—

Be it enacted, &c.—1. William J. Bedell, Charles R. Upton, Thomas E. Perley, Nelson Terney, their associates, successors, and assigns, be and they are hereby created and declared to be a body politic and corporate, by the name of “The Arestook Boom Bompany,” and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of erecting, building, and maintaining a Boom across the Arestook River, below the falls in the said river, to secure the timber, logs, and other lumber floating down the same.

2. The said Corporation may erect and maintain a Boom across the said Arestook River, at some convenient place below the falls thereof, for the purpose of stopping and securing timber, logs, masts, spars, and other lumber floating upon the said river, and may erect certain Piers and Booms such as they may think necessary; provided that the said Booms be so constructed as to admit the passage of rafts and boats, and preserve the navigation of the river; but no person shall be allowed at any time to encumber the said Boom either with rafts of timber, logs, or other lumber, nor be allowed a passage through the same with such rafts, when the opening of the Boom for that purpose would endanger the safety of any timber, logs, or other lumber contained therein.

3. Nothing in this Act shall authorize or be construed to authorize the said Corporation to enter upon the lands, or use the private property of any person or persons for the purpose of erecting or securing the said Boom, without their consent first had and obtained for that purpose.

4. It shall be the duty of the Corporation to cause the passage ways or open spaces in said Boom to be carefully guarded, so that no lumber be permitted to escape, to raft all the timber and logs, masts, and other lumber, safe and securely in joints loaded suitably for the navigation of the River Saint John, for pine timber with two good boom poles at least, and hard wood pins, said joints to be of the size as are commonly made, and to secure the same below the Boom ten hours; and if the

owner or owners, on the expiration of the time aforesaid, have not removed or taken charge of the same by putting his or their ropes thereon, the Corporation may remove or secure the same in some convenient place, and the owner or owners shall pay such expenses as may arise in the removal or securing the same; and should any person suffer loss in consequence of the neglect or carelessness of the said Corporation or their agent or agents, they shall be accountable for such loss; the said Corporation shall cause the timber, logs, or other lumber to be rafted without any unnecessary delay as soon after it comes into the Boom as possible, the same Corporation not being bound to drive any timber, logs, or other lumber into the Boom that may be aground above it.

5. When it shall be found absolutely necessary for the more speedy conveyance of the timber to market to open the Boom and drive the timber down the River Saint John before being rafted, which shall be determined by the majority of votes of the timber holders, each owner having two hundred and fifty tons shall be entitled to one vote, and in like proportion for any greater quantity, and no person to have more than twenty votes, the quantity of each individual's timber to be determined by the survey that has been first made; but when any dispute shall arise as to the quantity of the timber claimed by each person before voting upon the same shall make oath before one of Her Majesty's Justices of the Peace to the quantity so surveyed; and should a majority of the votes of the timber holders be in favour of opening the said Boom, then it shall be the duty of the said Corporation to open the said Boom, and to turn out said timber and other lumber into Saint John River, for which service they the said Corporation shall receive the sum of two pence per ton for boomage only, to be ascertained by the next survey made by any qualified Surveyor of lumber.

6. If any person or persons shall wilfully injure or destroy the said Boom, or any of the piers thereof, such person or persons so offending shall, upon conviction thereof before any two of Her Majesty's Justices of the Peace for the County of Carleton, forfeit and pay a sum not exceeding ten pounds, with costs of prosecution, to be levied by warrant of distress and sale of the offender's goods and chattels, rendering the over-

plus, if any, to the offender or offenders; and for want of sufficient goods and chattels whereon to levy, it shall and may be lawful for said Justices to issue their warrant to commit such offender or offenders to the common gaol of the County, there to remain without bail or mainprize for such period as may be specified in such warrant, not exceeding one day for every two shillings of such penalty.

7. There be allowed to the Corporation a toll or boomage upon all timber and other lumber thus boomed, rafted, and secured as aforesaid, the sum of one shilling* per ton upon all timber, and the sum of two shillings and six pence* per thousand superficial feet of other lumber, and the said Corporation shall have a lien on all timber and other lumber thus boomed and rafted, for the payment of all such toll or boomage and other expenses; each person or persons owning timber or other lumber to furnish to the Corporation, or their agent, a proper and correct description of his or their several marks before the same comes into the Boom; the Corporation not bound to secure or take care of any timber or lumber until the mark is so furnished. If no owner appears to claim timber or lumber so coming into the Boom, it may after twenty days notice be sold, and if within two years the owner should appear and prove to the satisfaction of the Court of Common Pleas, he may receive the net proceeds after deducting toll and other expenses; but if not proved and claimed within two years, the proceeds to belong to the Corporation; all timber and other lumber to be measured by a sworn Surveyor legally appointed, the expenses to be borne equally alike by both parties.

8. Provided always, that unless a good and sufficient Boom be actually erected as contemplated by the provisions of this Act, and a certificate of the said erection signed and verified on oath by the Directors or Managers of the said Corporation, which oath any Justice of the Peace may administer, shall be filed in the Office of the Secretary of the Province before the expiration of two years after the passing of this Act, the operations of this Act shall cease, and the existence of the said Corporation is terminated at the expiration of the said two years.

9. This Act shall continue and be in force until the first day

* Boomage increased by 18 V, c. 15.

of August which will be in the year of our Lord one thousand eight hundred and forty eight, and then to be subject to such amendments as the Legislature shall think proper to make.

10. This Act shall not go into operation until Her Majesty's Royal approbation be thereunto had and declared.

[*This Act was finally enacted, ratified, and confirmed by Order of Her Majesty in Council, dated the 3rd day of September 1844, and published and declared in the Province the 25th day of September 1844.*]

8th VICTORIA—CHAPTER 55.

An Act to incorporate the Nashwaak Boom Company.

Section.

1. Incorporation of Company.
2. Capital.
3. First meeting, when.
4. Deposit, when to be made.
5. Navigation preserved.
6. Booms, when to receive lumber.
7. Charges for securing same.
8. Lien for boomage.

Section.

9. Rafts boomed, how protected, &c.
10. Disputes, how settled.
11. When shares may be assessed, &c.
12. Debts, who liable for.
13. When powers of Company to cease.
14. Private property, how protected.
15. Limitation.

Passed 27th March 1845.

WHEREAS the erection of a Boom or Booms at or near the mouth of the Nashwaak River, in the County of York, will be a great benefit to persons engaged in the lumber business, by enabling them to secure timber, logs, and other lumber floating down the said River Nashwaak, at a moderate expense: And whereas it is deemed expedient to incorporate a Company for that purpose;—

Be it therefore enacted, &c.—1. William J. Bedell, Charles Macpherson, George L. Hatheway, John MacBean, Archibald M'Lean, and their associates, successors, and assigns, be and they are hereby declared to be a body corporate, by the name of "The Nashwaak Boom Company," and shall have all the general powers made incident to a Corporation by Act of Assembly in this Province, for the purpose of erecting and maintaining a Boom or Booms and any other works on the shore connected therewith, at or near the mouth of the Nashwaak aforesaid, for the more convenient collecting, picking up, securing, and rafting timber, logs, and other lumber floating down the said River Nashwaak, and for carrying on and managing the same.

2. The capital stock of the said Corporation shall be five hundred pounds current money of New Brunswick, and shall be divided into fifty shares of ten pounds each.

3. The first meeting of the Corporation shall be called by William J. Bedell, Esquire, or in case of his death or refusal to act, by any two of the said Corporation, after ten days notice in a Newspaper published in Fredericton, for the purpose of organizing the said Corporation, which meeting shall be held at the time and place mentioned in such notice.

4. The subscribers for stock in the said Corporation shall, previous to the first meeting of the said Corporation, pay into the hands of such person or persons as the persons incorporated by the first Section of this Act, or the major part of them, or in case of the death of any of them, the major part of the survivors shall appoint, such a deposit or instalment on the capital stock of the said Corporation they subscribe for, as the said persons incorporated, or the major part of them as aforesaid, may appoint and determine, due notice being given at the time of the notice calling the first meeting of the members and stockholders of the Corporation, of the time or several periods of time when, and of the place and places where, and person or persons to whom the said instalment or deposit shall be paid ; and the said instalment or deposit shall be taken and allowed to every subscriber who shall pay it, as part of the capital stock required to be paid in under and by virtue of this Act, and every subscriber who shall neglect or refuse to pay in the said deposit or instalment shall be deemed a defaulter, and no subscriber shall, upon any pretence whatsoever, vote at the first meeting for the choice of Directors upon any share or shares, unless he has paid the said deposit or instalment.

5. The Booms shall be so constructed as to admit the passage of rafts and boats, and to preserve the navigation of the river.

6. The said Corporation shall and they are hereby required to keep the said Booms open and in order to receive timber, logs, and other lumber floating down the River Nashwaak, from the opening of the Spring and after the river is clear of ice, until [the words here omitted are repealed by 11 V. c. 52, s. 2,] in each and every year during the continuance of this Act.

7. The said Corporation shall be entitled to receive a sum not exceeding one shilling and two pence per ton for each ton of square timber, and a sum not exceeding [the words here omitted are repealed by 11 V. c. 52, s. 2,] per thousand for

each and every thousand superficial feet of logs and other lumber which they shall secure and raft in a substantial manner with good and sufficient boom poles, and put in good and sufficient joints, such as are usually made, preparatory to their being put in large rafts for transportation to Saint John ; such payments being in full for rafting and securing the said timber as aforesaid, and also for collecting and keeping up and floating down the said timber, logs, and other lumber so rafted in the said Boom or Booms, from the mouth of Penniak to the mouth of the Nashwaak, and also for all scattered timber, logs, and other lumber, which by the force of the current or water may be drawn into the said Boom or Booms, and secured thereby, and so rafted in joints.

8. The said Corporation shall have a lien on all timber, logs, and other lumber which may be rafted in the said Boom in joints fit to be carried to Saint John in the manner prescribed by the seventh Section of this Act, or which shall be carried into the said Boom by the force of the current ; and the said Corporation, or agent or agents, may retain the said timber, logs, or other lumber, or sufficient part of them to pay the boomage, until such boomage is paid or secured.

9. For any floating joints or rafts of timber, logs, or other lumber without men on, which may run into the said Boom or Booms by force of the current or accident, or be caught therein, the said Corporation shall protect such joints or rafts, and be entitled to receive therefor at and after the rate of two pence for each and every ton of such timber, and six pence per thousand superficial feet for every thousand superficial feet of logs or other lumber, provided that the said Corporation shall not be entitled to receive for any such raft or joint a larger sum than three pounds.

10. All questions of difference or dispute of any kind relating to the quantity of timber, logs, or other lumber, or to the mode of rafting the same, shall be submitted to the award or arbitration and determination of three persons indifferently chosen between the parties, the award and determination of them or any two of them shall be final and conclusive between the parties, which referees, or any two of them, shall also determine and award by whom and how the expense of such reference shall be paid.

11. The said Corporation shall have power to levy and collect assessments upon the shares from time to time of such sums of money as may be deemed necessary for carrying on the business of the said Corporation, and whenever any such assessment shall be made by the stockholders of the Corporation, it shall be the duty of the Treasurer to give notice thereof in a Newspaper printed in Fredericton, requiring payment of the same within ten days, and if any stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his share or shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent shares for sale at public auction, giving at least fifteen days notice of the time and place of such sale, and all shares upon which the assessment is not then paid, with interest from the time such assessment became due, shall be sold to the highest bidder, and after retaining the amount of assessment and interest due on each share, and the expense of advertising and selling, the residue (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchasers; provided always, that no assessment shall be made except by a vote of the stockholders, and by a majority of all the shares.

12. The members and stockholders of the said Corporation shall be chargeable in their private and individual capacity, and shall be holden for the payment of all debts at any time due from the said Corporation, or damages sustained by the default or neglect of the said Corporation, or their agents or servants, in proportion to the stock they respectively hold; provided however, that in no case shall any stockholder be liable to pay a sum exceeding the amount of stock actually then held by such member or stockholder, in addition to the stock then held by such stockholder; provided nevertheless, that nothing herein contained shall be construed to exempt the joint stock of the said Corporation from being also liable for and chargeable with the debts and engagements of the same.

13. Unless a good and sufficient Boom for the purpose contemplated by this Act shall be erected within twelve months after the passing of this Act, and a certificate thereof under the hand of the agent or the principal officer of the said Corporation, attested to by such agent or other principal officer

before one of Her Majesty's Justices of the Peace, and which oath such Justice is hereby authorized to administer, shall be filed in the Office of the Secretary of the Province, then the Corporate powers hereby granted shall be deemed null and void.

14. Nothing in this Act contained shall extend or be construed to extend to authorize and empower the said Corporation, or any of their agents or servants, to enter in and upon any lands or tenements of any person whomsoever, unless the consent of the owner or owners, lessee or lessees thereof, be first had and obtained in writing ; and further provided, that the said Corporation shall be liable for all trespasses done or committed by the servants or agents of the said Corporation, in the course of prosecuting the business and object of the said Corporation, unless such consent as aforesaid has been previously had and obtained.

15. This Act shall continue and be in force for five years and no longer.

8th VICTORIA—CHAPTER 90.

An Act to amend the Act to incorporate the Fredericton Boom Company.

Section.

1. Incorporation of Company.
2. Capital.
3. When to be liable, and for what Timber.
4. Driving, &c. Timber, how done.
5. On being rafted, how to be disposed of.
6. If passing Boom, what to be done.
7. Survey.
8. Operations, how far extended.

Section.

9. Charges for driving Timber, &c.
10. What places to be kept clear of Timber, &c.
11. When to be driven to Crock's point.
12. Lien to secure charges.
13. Down what Tributaries may be driven.
14. Owners fronting on Saint John, not to be interfered with.
15. Limitation.

Passed 14th April 1845.

WHEREAS it is expedient to amend the Act made and passed in the seventh year of the Reign of Her Majesty Queen Victoria, intituled *An Act to incorporate the Fredericton Boom Company*, to increase the capital stock and enlarge the powers of the said Company ;—

Be it therefore enacted, &c.—1. The stockholders of the said Corporation shall be and they are hereby empowered and authorized from time to time hereafter, at any general meeting to be for that purpose called and holden, to increase the capital stock of the said Company to an amount not exceeding in the whole four thousand pounds ; which additional stock shall be divided into shares of twenty five pounds each, making the

whole capital stock of the said Company, when called in, to consist of one hundred and sixty shares, and which shall be disposed of in such manner and subject to such rules and regulations as the said stockholders may prescribe and determine.

2. All and every the additional shares in the capital stock of the said Company created under and by virtue of the provisions of this Act, and the holders thereof, shall at all times be subject and liable to all and singular the rules and regulations, clauses and provisions of the Act incorporating the said Company and the law of this Province.

3. The said Corporation shall be liable to pay to the owner or owners thereof, the fair value of any timber, masts, spars, logs, or other lumber which they shall have furnished the said Corporation, or their agent or agents, with the marks, agreeably to the Act incorporating the said Company, and which shall be found below the Booms of the said Corporation at any time after the thirty first day of August in each year; provided the person or persons so claiming payment shall prove the property in the said timber, masts, logs, spars, or other lumber for which they claim payment, and also that the marks thereof had been furnished to the said Corporation, or their agent or agents, in due and sufficient time to have enabled the said Corporation to secure such timber, masts, spars, logs, and other lumber.

4. The said Corporation shall drive the said timber, logs, masts, spars, and other lumber from Crock's Point into the Boom with as little delay as possible, and shall use all due diligence in rafting the said timber, logs, masts, spars, and other lumber of each individual owner separately, according to the marks thereon.

5. If the owner or owners of any timber, logs, masts, spars, and other lumber shall not within three days after the same has been rafted and surveyed, either by himself or his agent, pay the boomage thereon to the said Corporation, or their agent or agents, and take the possession and charge thereof, the said Company shall be entitled to receive a reasonable compensation for the keeping of the said timber, logs, masts, spars, or other lumber, which shall be deemed to be at the risk of the owner or owners thereof, or they are hereby authorized, if they see fit, to send the said timber, logs, masts, spars, and

other lumber to Saint John, at the risk of the owner, and then, after ten days personal notice, or thirty days notice in a Newspaper published in Fredericton, to sell so much thereof as shall be sufficient to pay the boomage, together with the usual freight to Saint John, expense of keeping, expenses of the sale, and all other incidental expenses, rendering the overplus (if any) to the owner, and the remaining part of such timber shall be kept till required by the owner, at his risk and expense.

6. The said Corporation shall have power to collect together, raft, and carry to Saint John, all timber, logs, masts, spars, or other lumber which shall pass out of and below the Boom by force of the current or other inevitable accident; and when the same arrives at Saint John, to hold the said timber, logs, masts, spars, and other lumber, subject to the payment of the freight and other expense mentioned in and subject to the provisions of the fifth Section of this Act, or dispose thereof, or part thereof, for the purpose and in the manner prescribed by the said Section.

7. All timber, logs, masts, spars, and other lumber shall be measured by a competent surveyor, duly sworn, who shall be employed and paid by the said Corporation, whose survey shall be conclusive upon all parties, unless the owner or owners of such timber, logs, masts, spars, and other lumber shall, by themselves or their agent or agents, give notice to the said Corporation, their agent or agents, within three days after the said timber, logs, masts, spars, and other lumber have been rafted and surveyed, of their dissent to such survey, then and in such case the difference shall be settled and determined in the manner prescribed by the twelfth Section of the Act to incorporate the said Company.

8. The said Corporation shall have full power and authority to drive all timber, logs, masts, spars, and other lumber that may be run over the Grand Falls, or come out of any of the tributaries of the River Saint John below the Grand Falls, down the said River from the said Falls to Crock's Point.

9. If the said Corporation shall undertake to drive the timber, logs, masts, spars, and other lumber of any person or persons down the River Saint John to Crock's Point, it shall be the duty of the said Corporation, after the owner or owners thereof shall have furnished the said Corporation, or their

agent or agents, with the marks thereof, to drive all such timber, logs, masts, spars, and other lumber that may come over the Grand Falls, or out of any of the tributaries of the Saint John below the Falls, on or before the first day of July in each and every year for which they shall so undertake to drive the same, at and for a sum not exceeding seven pence half penny per ton for every ton of square timber that shall pass over the Grand Falls, and at and for a sum not exceeding two shillings per thousand superficial feet for every thousand feet of other lumber; and for every ton of square timber that shall run out of any of the other tributaries of the Saint John below the Falls, a sum not exceeding six pence per ton, and a sum not exceeding one shilling and eight pence per thousand feet for every thousand superficial feet of other lumber; and after the marks shall have been so furnished to and received by the said Corporation, the said timber, logs, masts, spars, and other lumber shall be deemed to be under the full control of the said Corporation and liable to the charges hereinbefore mentioned.

10. If the said Corporation shall undertake to drive the said timber, logs, masts, spars, or other lumber, it shall be the duty of the said Corporation to drive all such timber, logs, masts, spars, and other lumber which shall come over the Grand Falls, or out of any of the tributaries of the Saint John below the Falls, on or before the first day of July in the year for which they shall so undertake to drive the same, and shall use all due diligence in keeping clear all the islands, bars, and shores in the River Saint John, between the Grand Falls and Crock's Point, from such timber, logs, masts, spars, and other lumber, except the basin below the Grand Falls, and the eddies in the Falls, which they shall clear whenever the water permits, in the year for which they so undertake to drive.

11. It shall be the duty of the said Corporation, and they are hereby required to drive all such timber, logs, masts, spars, and other lumber down the River Saint John to Crock's Point, on or before the first day of August in the year for which they so undertake to drive the same, if possible; and if it shall happen that any of the said timber, logs, masts, spars, and other lumber shall be left behind, and not driven below Crock's Point on or after the fifteenth day of October in the year for which they shall so undertake to drive the same, the said Cor-

poration shall be liable to pay the owner or owners thereof the fair value of such timber, logs, masts, spars, and other lumber which they shall so neglect to drive, such value to be estimated by the market price thereof in Saint John, after deducting the expense of floating the same to Saint John; provided the owner or owners thereof shall prove their property in such timber, logs, masts, spars, and other lumber before they shall be entitled to receive payment therefor.

12. The said Corporation shall have a lien upon all the timber, logs, masts, spars, and other lumber which they shall so drive to Crock's Point, in the manner hereinbefore mentioned, for such driving, and the charge therefor provided by this Act shall be added to the boomage, and secured, recovered, and collected in the same manner in all respects as boomage is collected by this Act.

13. If the said Corporation shall, for the convenience of any person or persons, agree to drive down any of the tributaries of the Saint John, below the Grand Falls, into the Saint John, any timber, logs, masts, spars, and other lumber, at and for a certain price to be agreed upon therefor, the price so agreed upon shall be also added to the boomage, and shall and may be recovered and collected with the boomage in the same manner in all respects and subject to the same provisions as are in this Act provided for the collection of boomage.

14. Nothing contained in this Act, or in the Act to which it is an amendment, shall be construed to authorize the said Corporation, or their agent or agents, to interfere with or abridge in any manner the rights and privileges heretofore enjoyed by the owners or occupiers of any land fronting on the said River Saint John.

15. This Act shall continue and be in force so long as the said Act to which this is an amendment continues in force, and no longer.

8th VICTORIA—CHAPTER 91.

An Act to continue and amend the Act to incorporate the Arestook Boom Company.

Section.

1. What part of what Act repealed.
2. First meeting, how called.

Section.

3. May unite with what Company.
4. Limitation.

Passed 14th April 1845.

WHEREAS some of the provisions of the Act to incorporate the Arestook Boom Company are defective, and an amendment is necessary to attain the objects of the Corporation;—

Be it therefore enacted, &c.—1. So much of the fifth Section of the Act made and passed in the seventh year of the Reign of Her Majesty Queen Victoria, intituled *An Act to incorporate the Arestook Boom Company*, as prescribes the mode of determining the time of opening the Boom by the votes of the timber holders, be and the same is hereby repealed; and the mode of determining the time shall be provided for and regulated by such bye laws as the Corporation shall from time to time make for that purpose.

2. The first meeting of the said Corporation shall be called by William J. Bedell, Esquire, or in case of his death or refusal to act, by any other member of the said Corporation, after ten days notice in a Newspaper published in Fredericton, for the purpose of organizing the said Corporation; which meeting shall be held at the time and place mentioned in such notice.

3. The said Corporation shall have power to unite with the Fredericton Boom Company under such rules, regulations, and restrictions as may be agreed upon between the said Corporation, and such union shall be deemed to have taken place and been perfected, when the said Corporation shall severally declare by a bye law to be for that purpose made, the fact of such union; and from and after such union, the Fredericton Boom Company shall be deemed to be clothed with all the powers and privileges granted to the Arestook Boom Company, in the Act incorporating the said Company, as fully and effectually as if the said Company had been vested therewith by law, and shall be authorized and empowered to carry out all the objects provided for in the Act to incorporate the Arestook Boom Company, as fully and effectually as if the provisions of the said Act had been incorporated in the Act to incorporate the Fredericton Boom Company; and the several tolls and charges therein shall be added to any boomage which logs, masts, spars, and other lumber would be liable to pay, and secured and collected in the same manner, and subject to the same provisions in all respects.

4. This Act shall continue and be in force so long as the said Act to which this is an amendment continues in force, and no longer.

9th VICTORIA—CHAPTER 34.

An Act to empower the owners of certain Saw Mills on Hammond River, in King's County, to erect and keep up a Boom or Booms for the securing of Saw Logs on the said River.

Section.

1. Incorporation of Company.

Section.

2. Limitation.

Passed 11th April 1846.

Be it enacted, &c.—1. From and after the passing of this Act, it shall be lawful for the owner of Saw Mills on Hammond River, in the County of Kings, to erect and keep up such Boom or Booms across the said river, as may be necessary for stopping and securing such logs as may by the owners thereof, be intended to be sawn at the said Mills; provided always, that there shall be left a convenient passage, sufficient for the floating down past the said Mills of all saw logs, and timber of whatever description, that may by the owners thereof be intended to be floated down the said river; and provided also, that the owners of the said saw mills shall furnish the necessary hands, as nearly as may be in proportion to the quantity of saw logs which they may own in any drive of timber or saw logs, to assist in assorting or securing the same, as the case may be, at all times when the owners of such logs and timber as may be intended to be floated down the said river, may think proper to attend the assorting and driving the same.

2. This Act shall continue and be in force for five years.

9th VICTORIA—CHAPTER 45.

An Act to incorporate the Tobique Boom Company.

Section.

1. Incorporation of Company.
2. Boom, &c. to be erected; navigation preserved.
3. Private rights protected.
4. Rafting timber, &c. in Boom.

Section.

5. Penalty for injuring Boom.
6. Boomage, &c.
7. Act, when void.
8. Limitation.

Passed 11th April 1846.

WHEREAS the erection of a Boom at or near the mouth of the Tobique River will be convenient and advantageous to the commercial interests of the Province;—

Be it enacted, &c.—1. Benjamin Beveridge, Thomas Pickard, Charles M^cMullen, Amos Dickinson, Robert A. Hay, and Samuel Dickinson, their associates, successors, and assigns,

be and they are hereby created and declared to be a body politic and corporate, by the name of "The Tobique Boom Company," and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of erecting, building, and maintaining a Boom across the Tobique River, below the narrows in the said river, to secure the timber, logs, and other lumber floating down the same.

2. The said Corporation may erect and maintain a Boom across the said Tobique River, at some convenient place below the narrows thereof, for the purpose of stopping and securing timber, logs, masts, spars, and other lumber floating upon the said river, and may erect certain Piers and Booms, such as they may think necessary ; provided that the said Booms be so constructed as to admit the passage of rafts and boats, and preserve the navigation of the river ; but no person shall be allowed at any time to encumber the said Boom either with rafts of timber, logs, or other lumber, nor be allowed a passage through the same with such rafts, when the opening of the Boom for that purpose would endanger the safety of any timber, logs, or other lumber contained therein.

3. Nothing in this Act shall authorize or be construed to authorize the said Corporation to enter upon the lands, or use the private property of any person or persons, for the purpose of erecting or securing the said Boom, without their consent first had and obtained for that purpose.

4. It shall be the duty of the Corporation to cause the passage ways or open space in said Boom to be carefully guarded, so that no lumber may be permitted to escape ; and if the owner or owners of any timber, logs, masts, or other lumber do not wish the said Corporation to raft their timber logs, masts, or other lumber, it shall be the duty of the owner or owners thereof to raft and take said timber out of said Boom ; but in case the owner or owners of said timber, logs, masts, or other lumber do not remove the said timber, logs, masts, or other lumber from said Boom, after said timber, logs, masts, or other lumber remain in said Boom for two days, it shall be lawful for said Corporation to raft said timber and logs, masts, and other lumber, safe and securely in joints, loaded suitably for the navigation of the River Saint John, for pine timber with

two good boom poles at least, and hard wood pins, said joints to be of the size as are commonly made, and to secure the same below the Boom twenty four hours ; and if the owner or owners, on the expiration of the time aforesaid, have not removed or taken charge of the same, by putting his or their ropes thereon, the Corporation may remove or secure the same in some convenient place, and the owner or owners shall pay such expenses as may arise in the removal or securing the same ; and should any person suffer loss in consequence of the neglect or carelessness of the said Corporation, or their agent or agents, the said Corporation shall be accountable for such loss ; and the said Corporation shall cause the timber, logs, or other lumber to be rafted without any unnecessary delay, as soon after it comes into the Boom as possible, the said Corporation not being bound to drive any timber, logs, or other lumber into the Boom that may be aground above it.

5. If any person or persons shall wilfully injure or destroy the said Boom, or any pier thereof, such person or persons so offending shall, upon conviction thereof before any two of Her Majesty's Justices of the Peace for the County of Carleton, forfeit and pay a sum not exceeding ten pounds, with costs of prosecution, to be levied by warrant of distress and sale of offender's goods and chattels, rendering the overplus (if any) to the offender or offenders ; and for want of sufficient goods and chattels whereon to levy, it shall and may be lawful for said Justices to issue their warrant to commit said offender or offenders to the common gaol of the County, there to remain without bail or mainprize for such period as may be specified in such warrant, not exceeding one day for every two shillings of such penalty.

6. There be allowed to the Corporation a toll or boomage upon all square timber thus boomed, the sum of six pence per ton, and for rafting and securing as aforesaid, the sum of ten pence per ton upon all timber, and the sum of two shillings per thousand superficial feet for rafting other lumber, and the sum of nine pence per thousand superficial feet for the boomage of all logs ; and the said Corporation shall have a lien on all timber and other lumber thus boomed and rafted, for the payment of all such toll or boomage and other expenses ; such person or persons owning timber or other lumber to furnish to the

Corporation or their agent a proper and correct description of his or their several marks, before the same comes into the Boom; the Corporation shall not be bound to secure or take care of any timber or lumber until the marks are so furnished; and if no owner appears to claim timber or lumber so coming into the Boom, it may, after twenty days notice, be sold; and if at any time within two years the owner should appear and prove to the satisfaction of the Inferior Court of Common Pleas in the County of Carleton, he may receive the net proceeds, after deducting toll and other expenses; but if not proved and claimed within two years, the proceeds to be paid to the Treasurer of the County for the uses and purposes of the County; all timber and other lumber to be measured by a sworn Surveyor legally appointed, the expenses to be borne equally alike by both parties.

7. Provided always, that unless a good and sufficient Boom be actually erected as contemplated by the provisions of this Act, and a certificate of the said erection, signed and verified on oath by the Directors or Manager of the said Corporation, which oath any Justice of the Peace may administer, shall be filed in the Office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operations of this Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said three years.

8. This Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty six.

10th VICTORIA—CHAPTER 72.

An Act to incorporate the South Bay Boom Company.

Section.

1. Incorporation of Company.
2. Capital.
3. Deposit, when to be made.
4. General meeting, when, &c.
5. Owner of shares how to vote.
6. Officers, how appointed, &c.
7. Directors, how eligible.
8. Annual general meeting.
9. Lien for boomage.
10. Timber secured to piers, &c. what boomage.
11. Shares, how assessed, &c.

Section.

12. Debts, who liable for.
13. Losses of timber, &c. how far liable.
14. River St. John, how much may occupy.
15. Boomage.
16. Who liable for boomage.
17. Surveyors of timber, account of.
18. Commissioners to inspect Boom, how appointed.
19. How compensated.
20. Statement of affairs, before whom laid.
21. Extent of boomage allowed.

Passed 14th April 1847.

WHEREAS in consequence of the great losses and damage that have at different times happened from the want of proper places near the mouth of the River Saint John in which to secure timber, logs, masts, spars, and other lumber, brought to the Saint John market, it is deemed expedient to erect and maintain Piers and Booms in the said River Saint John, in that part thereof which is between the point at the head of South Bay, formerly owned by Shubel Stevens, and known as the Elm Tree Point, and Musquito Head, so called, for the purpose of preventing a recurrence of such losses and damage: And whereas it is deemed expedient to incorporate a Company for that purpose;—

Be it therefore enacted, &c.—1. James Kirk, Stephen Wiggins, John Wishart, James Travis, Frederick A. Wiggins, John Robertson, John Duncan, John R. Partelow, Alexander Seely, Moses Tuck, Isaac Woodward, Robert Stevens, John Mackay, Michael Fisher, John Pollok, Honorable R. L. Hazen, William Johnston Ritchie, Charles Brown, and their associates, successors, and assigns, be and they are hereby declared to be a body corporate, by the name of “The South Bay Boom Company,” and shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of placing, erecting, and maintaining Piers and Booms, and any other works on the shore connected therewith, in that part of the River Saint John which is between the point formerly owned by Shubel Stevens, and known as the Elm Tree Point, at the head of the South Bay, and Musquito Head, so called, for the more safe and convenient depositing and securing of timber, logs, masts, spars, and other lumber, and for carrying on and managing the same.

2. The capital stock of the said Corporation shall be six thousand pounds of current money of New Brunswick, and shall be divided into one thousand shares of six pounds each; and a subscription list shall be opened in some public place in the City of Saint John, of which thirty days notice shall be given in one or more of the City papers, and no individual shall be allowed to subscribe for more than twenty five shares until after said subscription list shall have remained open to the public for fifteen days, at the end of which time, should the list not be filled up, any person may subscribe for what number of shares he may think proper.

3. The subscribers for stock in the said Corporation shall, previous to the first meeting of the said Corporation, pay into the Commercial Bank of New Brunswick, to the credit of the said Corporation, an instalment or deposit of ten per centum on the capital stock of the said Corporation they subscribe for, twenty days notice being given at the time of the notice calling the first meeting of the members and stockholders of the said Corporation, of the time when said instalment or deposit shall be paid, and the said instalment or deposit shall be taken and allowed to every subscriber who shall pay it as part of the capital stock required to be paid in under and by virtue of this Act, and every subscriber who shall neglect or refuse to pay in the said deposit or instalment shall be deemed a defaulter, and no subscriber shall upon any pretence whatsoever vote at the first meeting for the choice of Directors upon any share or shares unless he has paid the said deposit or instalment.

4. When the whole number of shares shall have been subscribed, a general meeting of the subscribers shall be held at the City of Saint John, and shall and may be called by James Kirk, Esquire, or in case of his death, absence, or refusal to act, by any two of the said Corporation, by giving notice thereof for thirty days in one or more of the public Newspapers published in the City of Saint John, for the purpose of making, ordaining, and establishing such bye laws and regulations for the good management of the affairs of the said Corporation, as they shall deem necessary, and also for the purpose of choosing seven Directors, being stockholders, which Directors so chosen, shall at their first meeting after their election choose one of their number President of the said Company, and shall serve until the first annual meeting of the Company, or until others are chosen in their stead; which Directors shall have full power and authority to manage the concerns of the said Company, and shall commence the operations thereof, subject nevertheless to the laws and regulations which may from time to time be made by the said Corporation.

5. Every person owning a share in the capital stock of the said Corporation shall be a member thereof, and be entitled to vote at all meetings of the same, and members may give as many votes as they own shares, and absent members may vote by proxy, such proxy being a shareholder and authorized in writing.

6. The Directors, or the major part of them, shall have the power, and they are hereby authorized to appoint a superintendent and such other officers as they may from time to time require, and likewise to allow them such salaries as they may think proper, such superintendent and officers being subject to dismissal by the said Directors, or the major part of them, when the said Directors shall deem it expedient so to do, and others to be appointed in their stead ; and it shall not be lawful for any stockholder to be an officer or servant of the Company, nor shall it be lawful for the said superintendent, during the period of his holding such situation, to be engaged in dealing in timber or other lumber, either directly or indirectly, on his own account, or as agent for any other person or persons ; and further, it shall not be lawful for such superintendent to hold the office of surveyor of lumber for any other than the purposes of the Company.

7. No person shall be eligible for a Director unless such person is a stockholder, holding not less than twenty five shares of the capital or stock of the said Corporation.

8. There shall be a general meeting of the stockholders of the said Corporation, to be annually holden on the second Monday in May in each and every year at the City of Saint John, at which annual meeting there shall be chosen by a majority thereof, seven Directors, who shall continue in office for one year ; and the Directors so chosen shall, at the first meeting after their election, choose out of their number a President ; provided that three of the Directors in office shall be re-elected, of whom the President shall always be one.

9. The said Corporation shall have a lien on all timber, logs, masts, spars, and other lumber, which shall be carried, received, or which shall enter into or within the said Piers and Booms ; and the said Corporation, or their agent or agents, may retain the said timber, logs, masts, spars, and other lumber, or sufficient part of them, to pay the boomage, until such boomage is paid or secured ; provided always, that nothing herein contained shall be construed to prevent the said Corporation from recovering the amount and amounts of such boomage by suit and suits at law, of and from all party or parties chargeable with and entitled to pay the same.

10. For all timber, logs, masts, spars, or other lumber that

shall be fastened to or secured by the said Piers or Booms, or any of them, on the outside thereof, the said Corporation shall be entitled to receive the same amount and amounts as if the said timber, logs, masts, spars, and other lumber, had been carried, received, or had entered into or within the said Piers and Booms, or any of them; and the said Corporation shall have the like lien and the same remedies for the recovery thereof, as in the last Section specified, and such rafts as may be made fast outside of the Piers or Booms shall be under the control and direction of the superintendent and officers, the same as if placed inside the said Boom.

11. The said Corporation shall have power to levy and collect assessments upon the shares from time to time, of such sums of money as may be deemed necessary for the carrying on the business of the said Corporation, and whenever any such assessment shall be made by the Directors of the Corporation, it shall be the duty of the Treasurer to give notice thereof in a Newspaper printed in the City of Saint John, requiring payment of the same within thirty days; and if any stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his share or shares at the time prescribed, it shall be the duty of such Treasurer to advertise all such delinquent shares for sale at public auction, giving at least thirty days notice of the time and place of such sale, and all shares upon which the assessment is not then paid, with interest from the time such assessment became due, shall be sold at public auction to the highest bidder, and after retaining the amount of assessment and interest due on each share, and the expense of advertising and selling, the residue (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchasers.

12. The members and stockholders of the said Corporation shall be chargeable in their private and individual capacity, and shall be holden for the payment of all debts at any time due from the said Corporation, or damage sustained by the default or neglect of the said Corporation, or their agents or servants, in proportion to the stock respectively held by such shareholders; provided however, that in no case shall any stockholder be liable to pay a sum exceeding the amount of

stock actually then held by such member or stockholder, in addition to the stock then held by such stockholder ; provided nevertheless, that nothing herein contained shall be construed to exempt the joint stock of the said Corporation from being also liable for and chargeable with the debts and engagements of the same.

13. The said Corporation shall not be liable for the loss of any timber, logs, masts, spars, or other lumber which may pass out of or by the said Piers and Booms, or escape therefrom, unless such loss is occasioned by their wilful neglect or default, or the wilful neglect or default of their agents or servants.

14. The said Corporation shall have power and authority, by themselves or their superintendents, agents, and workmen, to enter in and upon, and occupy for the purpose aforesaid, all and any of the waters of the said River Saint John within the limits hereinbefore specified, leaving free access for boats or scows to the shores within the said limits, unless in such cases when they may enter into a special agreement with the owners or occupiers of said shores, for compensation for damages sustained by them in the occupation thereof by the said Corporation.—[See 11 V. c. 5.]

15. The said Corporation shall be entitled to receive on all timber, logs, masts, spars, or other lumber which shall be carried or received, or which shall enter into or within said Piers and Booms, or any of them, and which shall be fastened to or secured by the said Piers or Booms, or any of them, on the outside thereof, a sum not exceeding one penny halfpenny for each and every ton of square timber, two pence for each and every ton of round timber, measured as square, three pence for each and every thousand superficial feet of logs, masts, spars, and round timber, the above rates to be chargeable by the said Corporation up to the first day of June next ensuing the time the timber, logs, masts, spars, or other lumber shall be received or deposited, and one half of the said rates in addition for each succeeding year, or any part thereof, that the said timber, logs, masts, spars, and other lumber shall be continued within said Boom.

16. All persons having or taking charge of timber or other lumber, when the same shall be put within, or enter within the

Piers and Booms, or be fastened thereto, shall, in addition to the owner or owners thereof, be liable to pay the boomage thereon.

17. Every surveyor of lumber measuring or surveying timber or other lumber, which timber or lumber shall enter within the said Piers or Booms, or be fastened thereto, shall render an exact account of the same, with the marks and owner's name, to the superintendent or agent appointed by said Corporation to receive the same; said account to be given within ten days of the time of such survey or measurement, at the office of the said Corporation, under a penalty of five pounds for every neglect or refusal so to account to the said Corporation for the quantity surveyed or measured; and in default of such account being rendered, it shall be lawful for the said Corporation to take an account of such timber, at the expense of the owner or owners thereof, and the said Corporation shall have the like lien on the timber, of which an account shall be so taken, and the like remedies for the recovery of such expenses and penalties that are given by this Act for the security and recovery of the boomage payable under this Act.

18. It shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, to appoint two Commissioners residing in the City or County of Saint John, which Commissioners so appointed shall be empowered, and they are hereby required and directed on the completion of said Piers and Booms, and before any timber is received by the Corporation, of which due notice shall be given them by the Directors, to repair to the said Boom and carefully inspect the same, and should they consider that any additional improvement or alterations are necessary for the preservation of the timber or other lumber to be deposited within said Boom, the same shall be immediately made by the Corporation under the direction of said Commissioners, and to their entire satisfaction; and further the said Commissioners shall afterwards from time to time inspect the said Piers and Booms, and see that the same are kept in efficient repair, and give notice to the Corporation of any additional improvements or alterations the said Commissioners may think necessary, which improvements or alterations shall be forthwith made by the said Corporation

within a reasonable time, to the satisfaction of said Commissioners.

19. The said Corporation shall make a reasonable compensation to the said Commissioners for the time occupied by them in the discharge of the above duties.

20. The Directors shall at the general meeting to be holden in every year, lay before the stockholders, for their information, an exact statement of the then state and affairs of the Company; which statement shall be signed by the Directors and attested by the Secretary, and a duplicate thereof in like manner signed and attested, shall be transmitted to the Secretary of the Province for the information of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, and the Legislature of the Province.

21. No higher rate of boomage shall be charged by the said Corporation than will afford a dividend of ten per centum on the moneys invested, after allowing for the wear and tear, and the necessary expenses connected with the proper management of the affairs of the Corporation.

11th VICTORIA—CHAPTER 49.

An Act in amendment of and in addition to an Act intituled *An Act to incorporate the South Bay Boom Company.*

Section.

1. Delinquents, when may be sued.
2. Declaration in an action.
3. Proof on trial.
4. Directors, when may raise money.
5. New rate of boomage.

Section.

6. Penalty for interfering with warps, &c.
7. Owners of timber in Boom, when not to obstruct others, &c.
8. Capital, when may be increased.
9. Additional shares, to what subject.

Passed 30th March 1848.

Be it enacted, &c.—1. If at the time appointed by the South Bay Boom Company, incorporated by Act of Assembly of this Province made and passed in the tenth year of Her present Majesty's Reign, or the Directors thereof, for the payment of any call already made or hereafter to be made, any shareholder shall have failed or shall fail to pay the amount of such call, or any part thereof, it shall be lawful for the said Company to sue such shareholder for the amount thereof, or so much thereof as may be and remain due and owing thereon, in any Court of law or equity having competent jurisdiction,

and to recover the same with lawful interest from the day on which such call was payable, with costs of suit.

2. In any action or suit to be brought by the said Company against any shareholder to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the said Company to declare that the defendant is the holder of one share or more in the said Company, [*state the number of shares*] and is indebted to the said Company in the sum of money to which the calls in arrear shall amount in respect of one call or more upon one share or more, [*state the number and amount of such calls*] which an action hath accrued to the said Company by virtue of this Act.

3. On the trial or hearing of such action or suit, it shall be sufficient to prove that the defendant at the time of making such call was a holder of one share or more in the said undertaking, and that such call was in fact made, and such notice thereof given, as is directed by the Act incorporating the said Company, and to which this Act is an addition and amendment, and it shall not be necessary to prove the appointment of the Directors who made such call, nor any other matter whatsoever, and thereupon the said Company shall be entitled to recover what shall be due upon such call, and interest thereon, unless it shall appear due notice of such call was not given.

4. It shall and may be lawful for the Board of Directors of the said Company, when and so often as they may deem it expedient and necessary for the interests of the said Company, to raise such sum or sums of money as may be required for completing, extending, repairing, or otherwise improving the said Piers and Booms, or other the property of the said Corporation, or for the purpose of more effectually enabling the said Directors to carry into effect the objects and intentions of the said Company, by pledging as security therefor the property of said Company, or the boomage, property, and proceeds thereof, in such manner, and for such times, and upon such terms as they may consider expedient or right, provided the whole amount so obtained does not exceed the sum of two thousand pounds.

5. The said Corporation shall be entitled to receive on all timber, logs, masts, spars, or other lumber which shall be carried or received, or which shall enter into or within said

Piers or Booms, or any of them, and which shall be fastened to or secured by the said Piers or Booms, or any of them, on the outside thereof, a sum not exceeding two pence for each and every ton of square timber ; three pence for each and every ton of round timber, measured as square ; four pence for each and every thousand superficial feet of logs, masts, spars, and round timber ; the above rates to be chargeable by the said Corporation up to the first day of June next ensuing the time the timber, logs, masts, spars, or other lumber shall be received or deposited, and one half of the said rates in addition for each succeeding year, or any part thereof, that the said timber, logs, masts, spars, and other lumber shall be continued within said Boom, the same to be in lieu of the rates established and authorized by the Act incorporating the said Company ; and for securing and recovering the payment of which boomage, the said Company shall have in every respect the same lien and the same remedies as are given and provided for in and by the said Act of Incorporation for securing and recovering the payment of the boomage authorized thereby.

6. From and after the passing of this Act, if any person or persons whomsoever, (except the owner or owners, or person or persons lawfully in charge of any rafts of timber, logs, masts, spars, or other lumber placed within said Boom, or attached thereto, or otherwise lawfully authorized) shall cut, remove, displace, or otherwise intermeddle or interfere with any warp which fastens any such raft of logs, masts, spars, timber, or other lumber, or shall, not being duly authorized, remove, displace, carry away, or otherwise interfere or intermeddle with any timber, logs, masts, spars, or other lumber placed within such Boom, or attached thereto, then, or in any of such cases, the party so offending shall forfeit and pay the sum of ten pounds, together with the costs of recovering the same, to be recovered upon conviction before any one of Her Majesty's Justices of the Peace for the City and County of Saint John, on the oath of one or more credible witness or witnesses, and on refusal to pay the same, to be levied by distress and sale of the offender's goods and chattels, and for want of sufficient distress, such offender shall suffer thirty days imprisonment in the common gaol of the said City and County, unless the penalty and costs shall be sooner paid ; which penalty

when recovered, shall be paid into the hands of the Overseers of the Poor for the Parish in which such offence shall have been committed, to be by them applied towards the support and maintenance of the poor of said Parish.

7. Should any timber, logs, masts, spars, or other lumber placed within the said Boom, or made fast to said Boom or the Piers thereof, be so placed as to prevent or hinder, or otherwise obstruct the access to the said Boom, or the taking or removing from the said Boom any timber, logs, masts, spars, or other lumber, it shall be the duty of the superintendent or agent appointed by the Directors of the said Company, to notify such owner or owners, person or persons having charge of such timber, logs, masts, spars, or other lumber, and to require such owner or owners, person or persons so to place the same as not to prevent, hinder, or otherwise obstruct the taking into or removing from said Boom such timber, logs, masts, spars, or other lumber ; and if such owner or owners, or person or persons having charge of timber, logs, masts, spars, or other lumber, shall neglect or refuse for the space of three days to remove or place such timber, logs, masts, spars, or other lumber, so as not to prevent, hinder, or otherwise obstruct the access into or out of said Boom, or the taking or removing from said Boom any such timber, logs, masts, spars, or other lumber, then it shall be lawful for the said Company, by their superintendent or other officers or servants, to remove or place such timber, logs, masts, spars, or other lumber so hindering or otherwise obstructing as aforesaid, in such position as will secure full and free ingress and egress to and from the said Boom, replacing or otherwise securing said timber, logs, masts, spars, or other lumber, as fully and effectually as the same was before its removal ; and the said Company shall charge the expenses incurred in such removal, replacing, or otherwise securing such timber, logs, masts, spars, or other lumber, to the person or persons liable for the boomage under the Act of Incorporation of the said Company, or under this Act ; which expenses the said Company shall have power and authority to collect in the same manner as the boomage due or payable on said timber, logs, masts, spars, or other lumber, and shall likewise have the same lien for securing the payment thereof as are given in and by the said Act of Incorporation for securing the payment of the said boomage.

8. The stockholders of the said Corporation shall be and they are hereby empowered and authorized from time to time hereafter, at any general meeting to be for that purpose called and holden, to increase the capital stock of the said Company to an amount not exceeding in the whole seven thousand five hundred pounds; which additional stock shall be divided into two hundred and fifty shares of six pounds each; making the whole of the capital stock of the said Company when called in, to consist of twelve hundred and fifty shares, and which shall be disposed of in such manner and subject to such rules and regulations as the said stockholders may prescribe and determine.

9. All and every the additional shares in the capital stock of the said Company, created under and by virtue of the provisions of this Act, and the holders thereof, shall at all times be subject and liable to all and singular the rules and regulations, clauses and provisions of the Act incorporating the said Company and the law of this Province.

11th VICTORIA—CHAPTER 50.

An Act further to amend and continue the Act to incorporate the Fredericton Boom Company.

Section.

1. Repealed.
2. What Section of what Act repealed.
3. When not liable for what timber.
4. Lands occupied, compensation for.

Section.

5. Penalty for what injuries.
6. Repeal of what Section, &c.
7. Repealed.
8. Continuance of Acts.

Passed 30th March 1848.

WHEREAS the Act to incorporate the Fredericton Boom Company, made and passed in the seventh year of the Reign of Her Majesty Queen Victoria, and the Act to amend the Act to incorporate the Fredericton Boom Company, made and passed in the eighth year of the Reign of Her Majesty Queen Victoria, intituled *An Act to amend the Act to incorporate the Fredericton Boom Company*, severally require to be amended; *Be it therefore enacted, &c.*—1. Repealed by 18 V. c. 14, s. 3.

2. The tenth Section of the said recited Act to incorporate the Fredericton Boom Company be repealed; and in lieu thereof,—For any floating joints or rafts of timber, logs, masts, spars, or other lumber, without men on, which may run into the said Boom or Booms from force of the current,

or accident, or be caught therein, the said Corporation shall protect such joints or rafts, and be entitled to receive therefor at and after the rate of four pence per ton for each and every ton of such timber, and nine pence per thousand superficial feet for every thousand superficial feet of logs, masts, spars, or other lumber, provided that the Corporation shall not be entitled to receive for any such rafts or joints a larger sum than three pounds.

3. Notwithstanding the provisions of the third Section of the Act made and passed in the eighth year of Her Majesty's Reign, intituled *An Act to amend the Act to incorporate the Fredericton Boom Company*, the said Corporation shall not be liable to pay to the owner or owners of any timber, masts, spars, logs, or other lumber that may be found below the Company's Booms after the thirty first day of August in any year, the value thereof, in any case where the owner or owners of such timber, masts, spars, logs, or other lumber shall have picked up, collected together, and rafted at any place above the Company's Booms, any portion of the timber, masts, spars, logs, or other lumber of which such owner or owners shall have furnished the Corporation with the marks thereof.

4. The said Corporation shall make, allow, and pay reasonable and proper compensation and satisfaction for all lands, tenements, and hereditaments taken, used, occupied, altered, damaged, or spoiled by means of and for the uses and purposes of the said Corporation, and shall pay to the owner or owners of any lands, tenements, or hereditaments they may require for the purposes of the said Corporation, a reasonable and proper compensation and satisfaction therefor, to be agreed upon by the said Corporation and the respective owners and occupiers of such lands, tenements, and hereditaments; and in case of disagreement between the said Corporation and the said owners or occupiers, or any of them, then such compensation and satisfaction shall be determined by three arbitrators, one to be chosen by the said Corporation, and one by the owner or owners, occupier or occupiers of the private property in question; which two arbitrators so chosen, shall choose the third arbitrator; and in case of their not agreeing in such choice within ten days after their appointment, then and in such case it shall and may be lawful for the Lieutenant Gov-

ernor or Administrator of the Government for the time being, upon application of the said Corporation, to appoint the third arbitrator ; the award of the said arbitrators, or any two of them, shall be final and conclusive in the matters referred to them ; and in case any of the said owners or occupiers of such private property shall decline making any such agreement, or appointing such arbitrator, then and in every such case, the said Corporation shall make application to the Supreme Court of this Province, stating the grounds of such application, and such Court is hereby empowered and required from time to time upon such application, to issue a writ or warrant directed to the Sheriff of the County of either York or Sunbury, according to the situation of the lands, tenements, or hereditaments, or in case of his being a party interested, then to the Coroner of the said County, and in case of the said Sheriff and Coroner being both interested, then to some person or persons who may be disinterested, commanding such Sheriff, Coroner, person or persons as the case may be, to summon and empanel a jury of three freeholders within the said County, who may be altogether disinterested ; which jury, upon their oaths, (all which oaths, as well as the oaths to be taken by any person or persons who shall be called upon to give evidence in the matter, the Sheriff, Coroner, or person or persons summoning such jury, is hereby empowered to administer) shall inquire, ascertain, and assess the distinct sum or sums of money, or annual rent to be paid as the amount of compensation and satisfaction for the damages that may and shall be sustained by such owner or owners, occupier or occupiers of such private property as aforesaid ; and the inquisition, award, or verdict of such jury shall be returned and filed in the office of the Clerk of the Pleas in the said Supreme Court, and shall be final and conclusive between the parties ; which amount so assessed as aforesaid, and the costs and expenses of such proceeding to be taxed and allowed by the said Supreme Court, shall be borne by the said Corporation, and shall be by them paid within thirty days after the said inquisition, award, or verdict shall be filed as aforesaid.

5. If any person or persons shall wilfully and maliciously, and to the prejudice of the said Corporation, cut, break, damage, throw down, or destroy any of the Company's Booms or

works erected or made by virtue of this Act, any such person shall be adjudged guilty of a misdemeanor, and every such person so offending, and being thereof lawfully convicted, shall be liable to the punishment prescribed for a misdemeanor by any law in force at the time of the commission of the offence.

6. The sixteenth Section of an Act made and passed in the seventh year of the Reign of Her Majesty Queen Victoria, intituled *An Act to incorporate the Fredericton Boom Company*, be and the same is hereby repealed.

7. Repealed by 18 V. c. 14, s. 3.

8. This Act, together with an Act made and passed in the seventh year of the Reign of Her Majesty Queen Victoria, intituled *An Act to incorporate the Fredericton Boom Company*, and also another Act made and passed in the eighth year of the same Reign, intituled *An Act to amend the Act to incorporate the Fredericton Boom Company*, except such parts of the said recited Acts as are repealed by this Act, be and the same are severally continued until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty.

11th VICTORIA—CHAPTER 51.

An Act to continue and amend the Act to incorporate the Arestook Boom Company.

Section.

1. Boom, how long to be kept open.

Section.

2. Continuance of Acts.

Passed 30th March 1848.

WHEREAS an Act made and passed in the seventh year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to incorporate the Arestook Boom Company*, and another Act intituled *An Act to continue and amend the Act to incorporate the Arestook Boom Company*, require to be amended;—

Be it therefore enacted, &c.—1. From and after the passing of this Act, notwithstanding any thing contained in either of the said recited Acts, the said Corporation shall and they are hereby required to keep the Boom erected by the said Company open during each and every year, from and after the first day of October in each and every year, under the penalty of

one hundred pounds for each and every day the said Boom shall be kept closed after the said first day of October in each and every year.

2. The said Act made and passed in the said seventh year of the Reign of Her said present Majesty Queen Victoria, intituled *An Act to incorporate the Arestook Boom Company*, and also the said other Act made and passed in the eighth year of the Reign of Her said present Majesty Queen Victoria, intituled *An Act to continue and amend the Act to incorporate the Arestook Boom Company*, be and the same are hereby severally continued until the first day of August which will be in the year of our Lord one thousand eight hundred and fifty five.

11th VICTORIA—CHAPTER 52.

An Act to amend the Act to incorporate the Nashwaak Boom Company.

Section.

1. Boomage, payment of, how enforced.
2. Remuneration for rafting, &c.

Section.

3. Booms, how long kept open.
4. Limitation.

Passed 30th March 1848.

WHEREAS it is expedient to amend the Act made and passed in the eighth year of the Reign of Her Majesty Queen Victoria, intituled *An Act to incorporate the Nashwaak Boom Company*, in several respects ;—

Be it therefore enacted, &c.—1. If the owner or owners of any timber, logs, or other lumber, shall not within three days after the same has been rafted and surveyed, either by himself or his agent pay the boomage thereon to the said Corporation, or their agent or agents, and take the possession and charge thereof, the said Company shall be entitled to receive a reasonable compensation for keeping of the said timber, logs, or other lumber, which shall be deemed to be at the risk of the owner or owners thereof; or they are hereby authorized, if they see fit, to send the said timber, logs, or other lumber, to Saint John, at the risk of the owner, and then, after ten days personal notice, or thirty days notice in a Newspaper published in Fredericton, to sell so much thereof as shall be sufficient to pay the boomage, together with the usual freight to Saint John, expense of keeping, expenses of the sale, and all other inci-

dental expenses, rendering the overplus (if any) to the owner ; and the remaining part of such timber, logs, or other lumber, shall be kept until required by the owner, at his risk and expense.

2. From and after the passing of this Act, instead of the price provided by the seventh Section of the said recited Act for rafting logs and other lumber, the said Corporation shall be entitled to receive a sum not exceeding three shillings per thousand for each and every thousand superficial feet of logs or other lumber they shall secure and raft in the manner provided by the said seventh Section of the said recited Act.

3. From and after the passing of this Act, so much of the sixth Section of the said recited Act, to which this is an amendment, as requires the Corporation to keep the Booms open and in order, to receive timber, logs, and other lumber, until the tenth day of November in each and every year, be and the same is hereby repealed ; and in lieu thereof, the said Corporation shall and they are hereby required to keep the said Booms open in the manner and for the purposes mentioned and provided in the said sixth Section, until the tenth day of October in each and every year.

4. This Act shall continue and be in force so long as the Act to which it is in amendment, and no longer.

12th VICTORIA—CHAPTER 62.

An Act in addition to and in amendment of an Act intituled
An Act to incorporate the South Bay Boom Company.

Section.

1. Vacancies, how filled up.

Section.

2. Directorships, how vacated.

Passed 14th April 1849.

WHEREAS no provision is made in an Act made and passed in the tenth year of Her Majesty's Reign, intituled *An Act to incorporate the South Bay Boom Company*, for the election of a Director or Directors for such Boom Company in the event of a vacancy or vacancies occurring by death, removal, disqualification, or otherwise, the want of which provision renders it inconvenient properly to carry on the operations of the Company ;—

Be it therefore enacted, &c.—1. Upon any vacancy or

vacancies occurring in the number of Directors chosen at any annual meeting of the stockholders of the said Company, under and by virtue of the powers conveyed to the said stockholders by the eighth Section of the said Act, intituled *An Act to incorporate the South Bay Boom Company*, whether such vacancy or vacancies may arise by death or resignation, or in case any Director should disqualify himself by the sale, disposal, or transfer of his shares, or of any of them, so as to reduce his interest in the said stock to less than twenty five shares required by the said Act for the qualification of a Director, the remainder of the said Directors shall or may fill up the said vacancy or vacancies as they may occur, by choosing one of the stockholders in the said Company, being duly qualified as is provided in the said Act of Incorporation, and the said person so chosen by the said Directors shall serve until another be chosen in his room at the next annual meeting.

2. Should any Director chosen at any general annual meeting of the stockholders, be absent from the Province for three months at any one time, it shall then be lawful for the said Directors, at any meeting held by them, to declare the said member to have become disqualified, and thereupon to choose a stockholder duly qualified as aforesaid, to be a Director in his place, which Director shall serve until the next annual meeting for the election of Directors.

12th VICTORIA—CHAPTER 67.

An Act to incorporate the Saint Stephen Upper Mills Boom Company.

Section.

1. Incorporation of Company.
2. Capital.
3. First meeting.
4. What lands may enter upon.
5. Timber, &c. used below Upper Mills, &c.
how turned out.

Section.

6. Penalty for injuries to works, &c.
7. Logs, &c. for Upper Mills, &c. how
turned out.
8. Unclaimed logs, for what sold.
9. Limitation.

Passed 14th April 1849.

WHEREAS the erection of a Boom or Booms at the Upper Mills in the Parish of Saint Stephen, in the County of Charlotte, on the Saint Croix River, has been of great benefit to persons engaged in the lumber business, by enabling them to secure timber, masts, logs, and other lumber floating down the said river, at a moderate expense : And whereas it is deemed expe-

dient to incorporate a Company for the purpose of managing said Booms ;—

Be it therefore enacted, &c.—1. John Porter, Horatio N. Hill, Samuel S. King, Daniel Hill, George M. Porter, Samuel Hamilton, Ansel Daley, and Daniel K. Chase, their associates, successors, and assigns, being mill and log owners, be and they are hereby declared to be a body corporate, by the name of “The Saint Stephen Upper Mills Boom Company,” and shall have all the general powers made incident to a Corporation by Act of Assembly in this Province, for the purpose of erecting and maintaining a Boom or Booms, piers, and any other works on the shore connected therewith, at the Upper Mills, Saint Stephen, for the more convenient collecting, picking up, securing, or rafting timber, logs, masts, or other lumber intended to be manufactured at the Upper Mills, Saint Stephen, and at Baring, opposite thereto, and for passing through and turning over the Dam at said Upper Mills, Saint Stephen, and Baring, all timber, logs, masts, or other lumber belonging or intended to be manufactured below the said Upper Mills, Saint Stephen, and Baring, and for carrying on and managing the same.

2. The capital stock of said Corporation shall be fifteen hundred pounds current money of New Brunswick, to be divided into shares of twenty five pounds each.

3. The first meeting of said Corporation shall be called by John Porter, or in case of his death or refusal to act, by any two of the said Corporation, after ten days notice in writing first being posted in two open and conspicuous places at the Upper Mills, Saint Stephen, aforesaid, at Baring, at Mill Town, Saint Stephen, and at Mill Town, Calais, for the purpose of organizing the said Corporation, which meeting shall be held at the time and place mentioned in such notice ; and no person shall, until forty eight hours from the opening the books, subscribe for more than three shares of the capital stock of the said Corporation.

4. Said Corporation may enter upon, occupy, and use any rocks, islands, or other land which at any time have been covered by the water of the Saint Croix River, the banks thereof, and the lands adjoining, for the purposes aforesaid, between the dam extending across said river at the Upper Mills, Saint Stephen, and Baring, and the head of Marpoles

Island, for the purposes aforesaid, and may also use the same for passing and repassing on foot by the members of said Corporation, their servants and agents, in the care, use, and management of the works aforesaid, and for stopping, controlling, securing, managing, and disposing of the timber, masts, logs, and other lumber aforesaid, and may take, use, and keep the piers, cross-booms, side, eddy, and other booms, and the erections and fixtures used in connection therewith, now existing between the dam aforesaid and the head of Marpoles Island, and shall therefor, and also for the rocks, islands, banks of the said river, and land near thereto aforesaid, make the owners thereof, or persons entitled to it, a reasonable compensation, to be by the parties agreed upon, or fixed and determined by three persons by said parties to be mutually chosen, or by a jury of twelve disinterested freeholders of the County of Charlotte, to be summoned and appointed in a similar manner as jurors for assessing damages for roads passing over private property.

5. All timber, logs, masts, and other lumber which shall be floated into or stopped by said Booms or other works of said Company, to be used or manufactured below the Upper Mills, Saint Stephen, and Baring, shall be by the said Company turned out of and from said Booms and other works of said Company, with all convenient and reasonable dispatch, and at said Company's expense, so they may pass down said river and over the dam before mentioned; and for any and all unreasonable delay therein, and for all damages to any person by or in consequence of such delay, said Company shall be responsible and make compensation therefor to the person or persons so delayed or damaged, to be recovered in an action on the case before any Court of competent jurisdiction to try the same; and said Company shall be responsible for any, and pay all damages happening to any person or persons by any unreasonable neglect or omission to keep all their said works in repair, or suitably attended by a sufficient number of competent men to stop and take care of, properly control, manage, and dispose of all said timber, logs, masts, and other lumber which may be drifted into or against their said works, and which should be stopped by them, to be recovered as last aforesaid.

6. If any person or persons shall wilfully injure or destroy the said Boom or Booms, or any of the piers or other works in connection therewith, such person or persons so offending shall, upon conviction thereof before any two of Her Majesty's Justices of the Peace for the County of Charlotte, forfeit and pay a sum not exceeding ten pounds, with costs of prosecution, to be levied by warrant of distress and sale of the offender or offenders' goods and chattels; and for want of sufficient goods and chattels whereon to levy, it shall and may be lawful for the said Justices to issue their warrant to commit such offender or offenders to the common gaol of the County, there to remain without bail or mainprise for such period as may be specified by such warrant, not exceeding one day for each two shillings of such penalty; provided such offence be more aggravated, the person or persons so offending may be prosecuted for damages by the said Corporation in the Supreme Court of this Province, and upon conviction the Justices of the Supreme Court, or any one of them, is and are hereby empowered to inflict upon such offender or offenders such fine and imprisonment as in his or their opinion the nature of the offence and injury inflicted would sanction.

7. Said Company shall without any unreasonable delay, but with all reasonable dispatch, and so far as they can be, and as fast as they may be wanted, turn out of their main or back Boom or Booms all the logs, masts, timber, and other lumber which may come into them, and which are to be used and manufactured at the Upper Mills, Saint Stephen, and Baring opposite thereto, and put them into the side or eddy Booms of said Company, if need be; and when wanted at the Mills shall, without unnecessary delay, raft and run them to the Mills when needed; and for all timber, logs, masts, and other lumber so turned out, rafted, and run to Mills at Upper Mills, Saint Stephen, and Baring, said Company shall be entitled to collect, demand, and receive of and from any owner or owners thereof, as toll, one shilling for every thousand feet board measure; and said Company shall have a lien on all timber, logs, masts, and other lumber to be used at or manufactured in said Mills last named, for the toll on all the logs and other lumber above named, of the same mark, and may detain the same under their control until the toll on the logs and other

materials of that mark is paid ; and in case of a refusal to pay said toll, or of a neglect to do so for a space of ten days after demanded by said Company, said Company may sell by public vendue so many and much of said logs and other materials as will raise the amount so due and demanded, and all the costs and expenses incurred concerning the same, after posting written notices thereof in two open and conspicuous places in each of the four Villages mentioned in the third Section of this Act, at least ten days before the day of said sale, stating the marks of said logs and other materials to be sold, the amount claimed, and the place, day, and hour of sale.

8. All prize logs, or logs, masts, or other timber or lumber floated down the River Saint Croix, and into or against the said Booms, upon which no marks are found, and for which no owner appears, may be sold by said Company by public vendue after ten days notice of the hour, day, and place of such sale, and the proceeds thereof to be appropriated towards paying the expenses of said Company.

9. This Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty two.

13th VICTORIA—CHAPTER 9.

An Act further to amend and continue the Act to incorporate the Nashwaak Boom Company.

Section.

1. When Company need not keep Boom open.
2. Owners of logs, when may raft.

Section.

3. How may be rafted.
4. Continuance of Acts.

Passed 26th April 1850.

WHEREAS the Act to incorporate the Nashwaak Boom Company, made and passed in the eighth year of the Reign of Her Majesty Queen Victoria, and the Act to amend the Act to incorporate the Nashwaak Boom Company, made and passed in the eleventh year of the same Reign, severally require to be amended and continued ;—

Be it therefore enacted, &c.—1. Notwithstanding the provisions of the sixth Section of the Act to incorporate the Nashwaak Boom Company, or of the third Section of the Act to amend the Act to incorporate the Nashwaak Boom Company,

the said Company shall not be compelled to keep their Boom open to receive timber, logs, and other lumber floating down the River Nashwaak in any year that the said Company may determine not to operate, the determination and resolution of the Company in that respect in each year to be published in two Newspapers published in Fredericton, and at or near the Nashwaak Mills, on or before the first day of March in each and every year hereafter.

2. Nothing in the said recited Act or in this Act contained shall extend or be construed to extend to prevent the owner or owners of any timber, logs, or lumber to collect together and raft the same anywhere below the lower mills on the Nashwaak River, if they see fit so to do.

3. In the rafting timber, logs, and other lumber within said Boom, it shall be the duty of said Company to raft the timber, logs, and other lumber of the several owners separately, according to the marks furnished to them for the purpose.

4. This Act, together with the Act made and passed in the eighth year of the Reign of Her Majesty Queen Victoria, intituled *An Act to incorporate the Nashwaak Boom Company*; and also another Act made and passed in the eleventh year of the same Reign, intituled *An Act to amend the Act to incorporate the Nashwaak Boom Company*; except so far as hereby altered and amended, be and the same are severally continued until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty.

14th VICTORIA—CHAPTER 3.

An Act to continue an Act to empower the owners of certain Saw Mills on Hammond River, in King's County, to erect and keep up a Boom or Booms for the securing of Saw Logs on the said River.

Section 1.—Continuance of Act.

Passed 15th March 1851.

Be it enacted, &c.—1. An Act made and passed in the ninth year of the Reign of Her present Majesty, intituled *An Act to empower the owners of certain Saw Mills on Hammond River, in King's County, to erect and keep up a Boom or Booms for the securing of Saw Logs on the said River*, be and the same

is hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty six.

15th VICTORIA—CHAPTER 74.

An Act to continue an Act to incorporate the Saint Stephen Upper Mills Boom Company.

Section 1.—Continuance of Act.

Passed 7th April 1852.

Be it enacted, &c.—1. An Act made and passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Saint Stephen Upper Mills Boom Company*, be and the same is hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty seven.

15th VICTORIA—CHAPTER 77.

An Act to incorporate the Saint Stephen Middle Boom Company.

Section.

1. Incorporation of Company.
2. Passage of rafts, &c., how preserved.

Section.

3. Lands, when may enter on.

Passed 7th April 1852.

WHEREAS the erection and maintenance of Booms between the Upper Mills and Mill Town, in the Parish of Saint Stephen, in the County of Charlotte, on the Saint Croix River, have been of great benefit to persons engaged in the lumber business, by enabling them to secure timber, masts, logs, and other lumber floating down the said River, at a moderate expense: And whereas it is deemed expedient to incorporate a Company for the purpose of managing said Booms;—

Be it therefore enacted, &c.—1. William Todd, Japhet H. M'Allister, William E. M'Allister, Joseph E. Eaton, Henry F. Eaton, John M'Adam, George A. Boardman, Daniel Hill, Junior, and Nathaniel Lamb, their associates, successors, and assigns, being mill and log owners on said River, in said Parish, below the said Upper Mills, are hereby declared to be a body corporate, by the name of "The Saint Stephen Middle Boom Company," and shall have all the general powers made inci-

dent to a Corporation by Act of Assembly in this Province, for the purpose of erecting and maintaining Booms, Piers, and other works connected therewith, between the Upper Mills and Mill Town, in the Parish of Saint Stephen, for the more convenient collecting, picking up, securing, and rafting timber, logs, masts, or other lumber intended to be manufactured below the said Upper Mills, and for carrying on and managing the same; provided always, that the real and personal estate which the said Corporation may at any time hold, shall not exceed the sum of one thousand pounds.

2. The Booms shall be so constructed as to admit the passage of rafts and boats, and to preserve the navigation of the river.

3. Nothing in this Act contained shall extend or be construed to extend to authorize and empower the said Corporation, or any of their agents or servants, to enter in and upon the lands or tenements of any person whomsoever, unless the consent of the owner or owners, lessee or lessees thereof, be first had and obtained in writing.

16th VICTORIA—CHAPTER 58.

An Act to revive and continue an Act to incorporate the Tobique Boom Company.

Section.

1. What Act revived.
2. Act, what shall terminate it.

Section.

3. What of old Act repealed.
4. Limitation.

Passed 3rd May 1853.

Be it enacted, &c.—1. An Act made and passed in the ninth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to incorporate the Tobique Boom Company*, be and the same is hereby revived and declared to be in full force and effect.

2. Unless a good and efficient Boom is erected, and the fact thereof verified in all respects as is provided for in and by the seventh Section of the hereinbefore recited Act, the existence of the said Corporation shall terminate.

3. All the provisions of the said Act inconsistent with this Act, are hereby repealed.

4. This Act shall continue and be in force until the first day of November which will be in the year of our Lord one thousand eight hundred and sixty five.

16th VICTORIA—CHAPTER 65.

An Act to incorporate the Narkawickac Boom Company.

Section.

1. Incorporation of Company.
2. Capital.
3. First meeting.
4. Deposit prior to first meeting.
5. Deposit, how allowed.
6. Entry on lands, not without consent.
7. Booms, how long open.

Section.

8. Charges.
9. Rates for rafts, &c.
10. Lien.
11. Penalty for injuries to Boom.
12. Differences, what, how settled.
13. Assessments, for what, &c.
14. Debts, who liable for.

Passed 3rd May 1853.

WHEREAS the erection of a Boom or Booms at or near the mouth of the Narkawickac River, in the County of York, will be beneficial to persons engaged in the lumber business, by enabling them to secure timber, logs, and other lumber floating down the said River, and it is deemed expedient to incorporate a Company for that purpose ;—

Be it therefore enacted, &c.—1. John Guiou, John Manual, James Coulter, Solomon M'Farlane, and William Calder, and their associates, successors, and assigns, be and they are hereby declared to be a body corporate, by the name of “ The Narkawickac Boom Company,” and shall have all the general powers made incident to a Corporation by Act of Assembly in this Province, for the purpose of erecting and maintaining a Boom or Booms at or near the mouth of the said River Narkawickac, and any other necessary works on the shores thereof connected with such Boom, for the more convenient collecting, securing, and rafting timber, logs, and other lumber floating down the said river, and for otherwise managing the operations of the said Company.

2. The capital stock of the said Company shall be two hundred and fifty pounds currency, and shall be divided into fifty shares of five pounds each.

3. The first meeting of the said Company, for the purpose of organizing the same, shall be called by John Guiou, or in case of his death, inability, or refusal to act, by any two of the said Company, by giving twenty days notice of the time and place thereof, in a Newspaper printed and published in the City of Fredericton, and also by notices to be posted up in two public places in each of the Parishes of Queensbury and Southampton, and the meeting shall be held at the time and place mentioned in such notice.

4. The subscribers for stock in the said Company shall,

previous to the first meeting thereof, pay to such person as the persons named in the first Section of this Act, or the majority of them, shall appoint, such deposit or instalment on the capital stock of the said Company, subscribed for by them, as the persons incorporated, or the majority of them, may determine, due notice being given at the time of the notice calling the first meeting of the Company of the time or several times when, and the place or places where, and the person to whom such deposit or instalment shall be paid.

5. The deposit or instalment paid by any subscriber shall be taken and allowed as part of the capital stock required to be paid in under this Act, and any subscriber neglecting or refusing to pay the deposit or instalment pursuant to such notice, shall be incapable of voting at such first meeting of the said Company for the choice of Directors, or from otherwise taking any part in the proceedings thereof.

6. The Company shall not be authorized to enter upon the lands of any person without the consent of the owner or occupier thereof.

7. The Boom or Booms to be erected by the Company shall be kept open and in a proper state to receive timber, logs, and other lumber floating down the River Narkawickac from the opening of the River in the Spring until the first day of November in each year.

8. The said Company shall be entitled to receive a sum not exceeding one shilling per ton for each ton of square timber, and a sum not exceeding three shillings and three pence per thousand for every thousand superficial feet of logs or other lumber floating or being in the said river which they may secure and raft in joints in a substantial manner, fit to be put in large rafts for transportation to Saint John, and which shall be ready to be delivered from the said Boom to the owner or owners of such timber, logs, or other lumber.

9. If any joints or rafts of timber, logs, or other lumber shall run into the said Boom or Booms by accident, or by the force of the current, the said Company shall protect such joints or rafts, and shall be entitled to receive therefor at the rate of three pence per ton for every ton of timber, and six pence per thousand for every thousand superficial feet of logs or other lumber.

10. The said Company shall have a lien on all timber, logs, and other lumber which may be rafted in the said Boom in joints in the manner prescribed in the eight Section of this Act, or which may be carried into the said Boom by accident and the force of the current, and the said Company may retain such timber, logs, or other lumber, or a sufficient part thereof, until the charges for boorage are paid or secured.

11. Any person wilfully injuring any such Boom, or any of the works connected therewith, shall in addition to any liability to the said Company for any special damage sustained thereby, be liable to a penalty of five pounds, to be recovered by action of debt at the suit of the said Company, in any Court of Record in this Province.

12. All questions of difference of any kind relating to the quantity of timber, logs, or other lumber rafted by the said Company, or the mode of rafting the same, shall be submitted to the arbitrament of three persons indifferently chosen between the parties, and the award of them, or any two of them, shall be final and conclusive between the parties, and they shall also determine by whom and how the expenses of such reference shall be paid.

13. The said Company shall have power to levy and collect assessments upon the shares of stockholders from time to time, of such sums of money as may be required for carrying on the business of the said Company; and whenever any such assessment shall be made by the stockholders of the Company, it shall be the duty of the Treasurer to give notice thereof in a Newspaper printed in Fredericton, requiring payment of the same within twenty days; and if any stockholder shall neglect or refuse to pay to the Treasurer the amount of any such assessment upon his share or shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent shares for sale at public auction, giving at least fifteen days notice of the time and place of such sale, and all shares upon which the assessment is not then paid, with interest from the time such assessment became due, may be sold to the highest bidder, and after retaining the amount of assessment and interest due on each share, and the expense of advertising and selling, the residue (if any) shall be paid over to the former owners, and a new certificate or certificates of the

shares so sold shall be made out and delivered to the purchasers ; provided that no assessment shall be made except by a vote of the stockholders, and by a majority of all the shares.

14. The members and stockholders of the said Company shall be personally chargeable in proportion to the stock they respectively hold, with the payment of the debts of the said Company, or any damages sustained by any person from the default or neglect of the Company, their agents or servants, but no stockholder shall be liable to pay a sum exceeding the amount of stock actually then held by such member or stockholder, in addition to the stock then held by such stockholder, provided that nothing herein contained shall exempt the joint stock of the said Company from liability for the debts and engagements of the same.

17th VICTORIA—CHAPTER 10.

An Act to incorporate the South West Boom Company.

Section.

1. Company incorporated ; object specified.
2. Capital ; payment ; extension.
3. First meeting ; notice ; election of Directors.
4. Booms, construction of.
5. Booms to be kept open to receive lumber.
6. Repealed.
7. Lien for boomage.
8. Timber accidentally getting into the Boom.

Section.

9. Shareholders may be sued for assessed capital.
10. Declaration in suit.
11. Damaging Booms ; penalty.
12. Liability of shareholders.
13. Corporate powers may be forfeited.
14. No entry on lands without consent.
15. Limitation.

Passed 20th March 1854.

WHEREAS the erection of a Boom or Booms on the South West Branch of the Miramichi River, in the County of Northumberland, will be a great benefit to persons engaged in the lumber business, by enabling them to secure timber, logs, and other lumber floating down the said River, at a moderate expense : And whereas it is deemed expedient to incorporate a Company for that purpose ;—

Be it therefore enacted, &c.—1. Rowland Crocker, Richard Sutton, William M'Kay, Alexander M'Laggan, Thomas W. Underhill, Robinson Crocker, Abel Pond, John Pond, James S. Mitchell, John M'Allister, Junior, and their associates, successors, and assigns, be and they are hereby erected into a body corporate, by the name of "The South West Boom Company," for the purpose of erecting and maintaining such Boom or Booms, Pier or Piers, or any other works on the

shores connected therewith, as the Corporation may think necessary or deem advisable, at or near the residence of James M·Intosh in Nelson, or within three miles distance either above or below his residence, for the more convenient collecting, picking up, securing, and rafting timber, logs, and other lumber floating down the said river, and for carrying on and managing the same ; and the said Corporation by such name, shall have all the powers and privileges made incident to a Corporation by Act of Assembly or otherwise.

2. The capital stock of the Corporation shall be eight hundred pounds, and be divided into one hundred and sixty shares of five pounds each, to be paid at such times and by such instalments as the business of the Company shall require ; and the Corporation shall, when necessary, have leave to extend the capital stock to the sum of one thousand six hundred pounds, and shall have power to increase the number of shares accordingly, or assess such increase upon the original shares.

3. The first meeting of the Corporation shall be held at John DeCantillan's in Blissfield, and shall be called by Richard Sutton, or in case of his death, neglect, refusal, or absence, by any two of the Corporation, after ten days notice of the day of such meeting published in the Gleaner Newspaper, for the purpose of choosing Directors necessary for the management of the affairs of the Company, which Directors so chosen shall serve until the first annual meeting, or until others are chosen in their stead, and shall have power to manage the affairs of the Corporation.

4. The Boom or Booms shall be so constructed as to admit the passage of rafts and boats, and to preserve the navigation of the river.

5. The said Corporation shall and they are hereby required to keep the said Boom or Booms open and in order to receive timber, logs, or other lumber floating down the said river, from the opening of the Spring and after the river is clear of ice, until the first day of October in each year, during the continuance of this Act.

6. Repealed by 18 V. c. 13, s. 1.

7. The Corporation shall have a lien on all timber, logs, and other lumber which may be secured in the said Boom or Booms, and may by themselves, agent or agents, retain the

timber, logs, or other lumber, or sufficient part thereof to pay the boomage, until such boomage is paid or secured; and should the said boomage be not paid within five days after due notice to the owner that the timber, logs, or other lumber is rafted and ready to be delivered, the said Corporation shall be entitled to receive a reasonable compensation for keeping the said timber, logs, or other lumber, which shall be deemed to be at the risk of the owner or owners thereof, not exceeding for each week after such notice two pence per ton for timber, and four pence per thousand superficial feet of logs or other lumber.

8. Any floating joints or rafts of timber, logs, or other lumber which may run into the said Boom or Booms by force of the current, or accident, the said Corporation shall protect such joints or rafts, and be entitled to receive therefor at and after the rate of two pence for each and every ton of such timber, and four pence for every thousand superficial feet of logs or other lumber, provided that the said Corporation shall not be entitled to receive for any such raft or joint a larger sum than three pounds.

9. If any shareholder shall fail to pay the amount of any assessment made by the said Company, or any part thereof, it shall be lawful for the said Company to sue such shareholder for the amount thereof, or so much thereof as may remain due and owing thereon, in any Court of law or equity having competent jurisdiction, and to recover the same with lawful interest from the day on which such assessment was payable, with costs of suit.

10. In any action or suit to be brought by the said Corporation against any shareholder to recover any money due for any call, it shall not be necessary to set forth the special matter; but it shall be sufficient for the said Company to declare that the defendant is the holder of one or more shares in the said Company, and is indebted to the said Company in the sum of money to which the assessment or assessments in arrear shall amount, in respect of one assessment or more upon one share or more, by means of which an action hath accrued to the said Company by virtue of this Act.

11. If any person shall wilfully and maliciously, and to the prejudice of the said undertaking, break, cut, damage, or

destroy the said Boom or Booms, or any pier or piers, or any part thereof, or any of the warps, ropes, or fixings thereof, such person or persons so offending shall, upon conviction thereof before any two Justices of the Peace for the County of Northumberland, forfeit and pay a sum not exceeding ten pounds, with costs of prosecution, and when collected to be paid and form a part of the funds of the said Corporation, and any stockholder in the said Company is hereby declared a competent witness against such offender or offenders.

12. Stockholders of the said Company shall be chargeable in their private and individual capacity, and shall be holden for the payment of all debts at any time due from the said Corporation, or damages sustained by the default or neglect of the said Corporation, or their agents or servants, in proportion to the stock they respectively hold; provided however, that in no case shall any stockholder be liable to pay a sum exceeding the amount of stock actually then held by such stockholder, in addition to the stock then held by such stockholder; provided nevertheless, that nothing herein contained shall be construed to exempt the joint stock of the said Corporation from being also liable for and chargeable with the debts and engagements of the same.

13. Unless a good and sufficient Boom or Booms for the purposes of this Act be erected within two years after the passing of this Act, and a certificate thereof under the hand of the agent or principal officer of the said Corporation, attested to by such agent or principal officer before one of Her Majesty's Justices of the Peace for the said County, which oath such Justice of the Peace is hereby authorized to administer, shall be filed in the Office of the Secretary of the Province, then the corporate powers hereby granted shall be deemed null and void.

14. Nothing in this Act shall authorize and empower the said Corporation, or any of their agents or servants, to enter into or upon any lands or tenements of any person whomsoever, unless the consent of the owner or owners be first obtained.

15. This Act shall continue and be in force for ten years and no longer.

17th VICTORIA—CHAPTER 52.

An Act in amendment of and in addition to an Act to incorporate the South Bay Boom Company.

Section.

1. Extension of capital stock, &c.
2. Powers of Company in relation to rafts.
3. Power of Directors to increase boomage.

Section.

4. Lien, how disposed of.
5. Penalty for loosing fasts, &c.; recovery and application.

Passed 1st May 1854.

WHEREAS the formation of the South Bay Boom Company, and their operations under their Charter, have so far been most successful in carrying out the objects contemplated thereby, but the present arrangements have been found inadequate to meet the necessity that at present exists for greater security for timber after being placed within the Booms of the said Company, and the owners of timber have urged upon the said Company the necessity of enlarging its operations by erecting and placing more Piers and Booms with a view to the prevention of rafts or joints of timber and logs, or other materials placed within the main Boom, from being broken up and scattered, or otherwise interfered with by gales of wind or other causes: And whereas the present capital, or the amount the said Company are authorized to increase the same to, will be insufficient for such purpose, and the returns at present rates being inadequate to meet the increased expenditure;—

Be it therefore enacted, &c.—1. The said South Bay Boom Company shall have power to extend the capital stock of the said Company to an amount not exceeding in the whole the sum of ten thousand five hundred pounds, and to assess such increase on the present number of shares, or to create from time to time such further number of shares of six pounds each, as they may deem most expedient; provided that such assessment or increase shall not in all exceed the sum of ten thousand five hundred pounds, or the number of one thousand seven hundred and fifty shares; and in the event of the said Directors determining to assess such increase on the said present shares, then the said Company shall to such extent have power to levy and collect assessments upon the said shares from time to time of such sums of money as may be deemed necessary for erecting Piers, placing Booms, or otherwise extending the works or carrying on the business of the said Company, and the same shall and may be called in, levied, and collected in

all respects in the manner pointed out in and by the eleventh Section of an Act made and passed in the tenth year of the Reign of Her present Majesty, incorporating the said Company, and with all the like remedies, rights, powers, and privileges in every respect for recovering such calls as are granted by the said Act of Incorporation, and an Act in amendment of and in addition to the said Act of Incorporation, made and passed in the eleventh year of the same Reign; and in the event of the said Company determining to extend the said stock by increasing the present number of shares, then the said shares so from time to time created shall be sold by public auction in the City of Saint John, at least ten days previous notice being given of the time and place of such sale.

2. And whereas the owners of rafts or joints of timber, logs, masts, spars, or other lumber, or those in the charge of or having the control thereof, frequently leave the same within the Booms of the said Company, in positions dangerous to the property of others within such Boom, without sufficiently securing the same, and often without leaving sufficient rigging or other means for properly securing the same, whereby the said Booms and the property within the same become greatly endangered, and large expenses have accrued thereby and therefrom;—The said South Bay Boom Company, or their superintendent, agents, and servants, shall have full power and authority to direct in what position and situation all rafts or joints of timber, masts, spars, logs, or other lumber, brought or placed within such Boom, shall be placed, and how the same shall be secured; and in the event of the owner or owners, or person or persons in possession or charge, or apparently in possession or charge of such rafts, joints, timber, logs, masts, spars, or other lumber, refusing or neglecting forthwith to obey such directions, then and in every or any such case it shall be lawful for the said Company, their superintendent, agents, or servants, to employ men and furnish rigging or other means as may be necessary for placing the said rafts, joints, logs, masts, spars, or other lumber, in the position or situation deemed right and proper by the said Company, their superintendent, agents, or servants, and for safely fastening and securing the same, so that the same may be kept safe and secure, and prevented from injuring or interfering with the

said Boom or any other property therein, and all expenses incurred by the said Company, their superintendent, agents, or servants, shall be borne and paid by the owner or owners of such rafts, joints, timber, masts, spars, or other lumber; and in addition to the liability of such owner or owners, the person or persons in charge thereof, or exercising control thereover, shall be likewise liable therefor, the said Company shall in addition have the like lien thereon, or on any and every part thereof, for all such expenses, as they have for the boomage thereof.

3. The Board of Directors of the said Company shall have power, and they are hereby authorized to increase the rate of boomage for all timber, logs, masts, spars, or other lumber, in lieu of the rates now chargeable therefor, that is to say, the said Company shall be entitled to receive on all timber, logs, masts, spars, or other lumber which shall be carried or received, or which shall enter into or within said Piers or Booms, or any of them, and which shall be fastened to or secured by the said Piers or Booms, or any of them, on the outside thereof, a sum not exceeding three pence for each and every ton of square timber; four pence for each and every ton of round and flatted timber, measured as square; six pence for each and every thousand superficial feet of logs; and two pence per piece for all ship knees and crooked timber; the above rates to be chargeable by the said Corporation up to the first day of June next ensuing the time the timber, logs, masts, spars, or other lumber shall be received or deposited, and one half of the said rates in addition for each succeeding year, or any part thereof, that the said timber, logs, masts, spars, or other lumber shall be continued within said Booms, the sum to be in lieu of the rates established and authorized by the Act incorporating the said Company, and the Act in addition to and in amendment thereof, which said several rates shall be chargeable against the purchasers; and for securing and recovering the payment of which boomage, the said Company shall have in every respect the same lien and the same remedies, rights, powers, and privileges as are given and provided for in and by the said Act of Incorporation, for securing, and recovering, and enforcing the payment of the boomage authorized thereby.

4. The said Company shall have full power and authority to

sell and dispose of so much of such timber, logs, masts, spars, or other lumber, on which they may have, by virtue of this or any other Act, any lien, as may be necessary for realising the amount due to the said Company, whether for boomage, expenses, or otherwise howsoever; provided that such sale shall be by public auction, and that ten days previous notice of the time and place of such sale shall be first given in one or more of the public Newspapers published in the City of Saint John.

5. Any person, save the manager or agent of the said Company, removing any timber, logs, or lumber within the said Booms, without the consent of the owner thereof, or loosening the fasts thereof, or of any rafts within the said Booms, without permission of the manager or agent aforesaid first obtained thereto, or not properly fastening the same again to the satisfaction of the said manager or agent, shall be liable to a penalty of fifty pounds, to be recovered before the Stipendiary Magistrate of the City of Saint John, or of the Parish of Portland, or any two other Justices of the Peace in the City or County of Saint John, in the name of and applied to the benefit of the said Company.

17th VICTORIA—CHAPTER 59.

An Act to increase the Capital Stock of the Nashwaak Boom Company.

Section.

1. Increase of capital stock.

Section.

2. Company may levy and collect assessments for the same.

Passed 1st May 1854.

WHEREAS it has become necessary to increase the capital stock of the Nashwaak Boom Company, to enable the said Company to extend and improve the Boom erected by the said Company ;—

Be it therefore enacted, &c.—1. The shareholders of the Nashwaak Boom Company shall be and are hereby authorized to increase the capital stock of the said Company to an amount not exceeding seven hundred and fifty pounds, which additional stock shall be divided into shares of ten pounds each, and shall

be divided in equal proportions among the present stockholders.

2. The said Company shall have power to levy and collect assessments upon such additional shares in the manner pointed out in and by the eleventh Section of an Act made and passed in the eighth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Nashwaak Boom Company*.

SAINT STEPHEN SLUICE COMPANY.

5th VICTORIA—CHAPTER 29.

An Act to incorporate the Saint Stephen Log and Timber Sluice Company.

Section.

1. Incorporation of Company.
2. Capital.
3. First meeting for choice of Directors.
4. Annual meeting.
5. Right of voting.
6. Shares assignable.
7. Directors, &c., when may be chosen at other times.

Section.

8. Debts, what responsible for.
9. Assessments on shares.
10. Public meetings, how called.
11. Entry on lands, when, &c.
12. Tolls for Sluice, &c.
13. What not to be encumbered.

Passed 31st March 1842.

Be it enacted, &c.—1. Joseph N. Clarke, William E. M^cAllister, William Porter, Nehemiah Marks, Robert Lindsay, Abner Hill, Junior, John Marks, James Frink, Robert M. Todd, John D. Andrews, their associates, successors, and assigns, shall be and they are hereby created into a body politic and corporate, by the name of “The Saint Stephen Log and Timber Sluice Company,” and shall have all the general powers and privileges made incident to Corporations by Act of Assembly in this Province, for the purpose of building and erecting a Log and Timber Sluice, and necessary works therewith connected, between the Mills at Mill Town (so called) and the Middle Landing Mills (so called) in the Parish of Saint Stephen, in the County of Charlotte; such Sluice to be taken out of the present Log Sluice already erected, and which is fed or supplied by or from the Pond of the Upper Mills at Mill Town.

2. The capital stock of the said Corporation shall be seven hundred and fifty pounds of current money of New Brunswick, and shall be divided into thirty shares of twenty five pounds each, to be paid in at such times and in such instalments as the business of the said Company shall require; provided always, that the said Corporation shall, when necessary, have power to extend the capital stock to one thousand five hundred pounds of like current money, and shall also have power to increase the number of shares accordingly, or to assess such increase upon the original number of shares.

3. The first meeting of the said Corporation shall be held in the Parish of Saint Stephen aforesaid, and shall be called by any three of the persons named in the first Section of this Act, by giving notice in writing, and posting up the same in

three of the most public places in the said Parish, or by publishing the same in the nearest Newspaper printed in the said Parish, at least seven days previous to such meeting, for the purpose of establishing bye laws, choosing five Directors, and such other officers as may be necessary for the management of the affairs of the said Company; which Directors and other officers so chosen, shall serve until others are chosen in their stead at any annual meeting of the said Company, and shall have full power and authority to manage the concerns of the said Corporation, subject to the rules and regulations hereinafter made and provided.

4. The annual meeting of the shareholders of the said Company shall be held on the first Tuesday in March in each and every year, or at such other time as the shareholders, a majority of the same being present, shall at any annual meeting determine upon, for the purpose of choosing five Directors, and such other officers as may be necessary for the management of the affairs of the said Corporation; which Directors so chosen, shall remain in office one year, or until others are chosen in their place, and shall at the first meeting after their election choose one of their number President of the said Company; provided always, that not less than three Directors shall form a quorum for the transaction of business, and in the absence of the President, the Directors shall have power to appoint one of their number as Chairman for the occasion; and provided always, that any officer of the said Company may be removed from office and another chosen in his place, or any vacancy filled at any legal meeting, whether annual or otherwise, of the said Company.

5. The number of votes to which each shareholder shall be entitled to on every occasion when in conformity to this Act the votes of the stockholders are to be given, shall be in proportion of one vote for each share of stock, and absent stockholders may vote by proxy, provided such proxy be a stockholder, and produce sufficient authority in writing.

6. The shares in the said Corporation shall be assignable and transferable according to such rules and regulations as may be established in that behalf, but no assignment or transfer shall be valid and effectual unless the same shall be entered and registered in a book to be kept by the Directors for that

purpose ; and in no case shall a fractional part of share, or other than a whole share or shares, be assignable or transferable ; and whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company, he shall cease to be a member of the said Corporation.

7. If it shall happen that the said Directors or other officers should not be chosen at any annual meeting of the said Company, it shall and may be lawful to choose them on any other day, on giving seven days notice of the time and place of such meeting in either of the modes above mentioned.

8. The joint stock and property of the said Company shall alone be responsible for the debts and engagements of the same.

9. The said Company shall have power to levy and collect assessments on the shares from time to time, of such sums of money as may be deemed necessary for carrying on the business of the said Company ; and whenever any assessments shall be made by the stockholders of the Company, it shall be the duty of the Treasurer to give notice thereof in the nearest Newspaper printed in the said County, requiring payment of the same within thirty days ; and if any stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessments upon the shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent shares for sale at public auction, giving at least twenty days notice in the nearest Newspaper as aforesaid, of the time and place of such sale, and all shares upon which the assessment is not then paid shall be sold to the highest bidder, and after retaining the amount of assessment, interest, and cost of advertising and sale, the residue (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchaser ; provided always, that no assessment shall be made except by a vote of the stockholders and a majority of all the shares.

10. All meetings of the said Company shall be called by public notice being given of the time and place of meeting in the nearest Newspaper printed in the said County, or by posting up the same in three of the most public places in the said Parish, at least seven days before the time of each meeting, and special meetings may be called by the Secretary under the authority of the Directors, or by any three of the stock-

holders upon giving like notice, and all meetings of the said Company shall be holden in the said Parish of Saint Stephen.

11. The said Company shall have power and authority by themselves, their agents, artists, and workmen, to enter in and upon, and occupy for that purpose, all the land which shall be necessary and suitable for constructing and making a Log and Timber Sluice at the place mentioned in the first Section of this Act, doing as little damage thereto as possible, and to build, make, and complete such Sluice, and continue and maintain the same, satisfying the several occupiers and owners of such land for the damage done thereto; and in case of disagreement between the said Corporation and the said owners or occupiers, or any of them, the amount of compensation shall be determined by three arbitrators, one to be chosen by the said Corporation, and one by the owner or occupier of the land in question, which two arbitrators so chosen shall choose a third, and in case of their not agreeing in such choice within ten days after their appointment, then it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, to appoint the third arbitrator, and the award of the said arbitrators or any two of them shall be final and conclusive as to all matters referred to them; and in case the said Company and the owners or occupiers of said land should decline appointing such arbitrators, then either of the said parties may apply to the Supreme Court of Judicature of this Province, and such Court is hereby empowered and required to issue a writ or warrant in such form as they may prescribe, directed to the Sheriff of the County where such lands lie, or to such disinterested person or persons as the said Court may appoint, commanding such Sheriff or other person or persons (as the case may be) to summon, empanel, and swear a jury of twelve disinterested persons, qualified to act as Petit Jurors in such County, to ascertain and report to the said Court what damages (if any) have been sustained by the owners or occupiers of such land by reason of such Sluice; which report being confirmed by the said Court, shall be final and conclusive, unless sufficient cause to the contrary shall be made to appear to the said Court within the term next after the filing of such report; and in case the proceedings on such writ or warrant shall be set

aside by the said Court for any defect, irregularity, or misconduct, the parties shall be at liberty to proceed *de novo*, and the amount of the damages so ascertained, and the costs and expenses of the proceedings, shall be taxed and allowed by the said Supreme Court, and shall be borne by the said Corporation ; and provided also, that if any person owning land or any other property which shall be affected by this Act be feme covert, under age, or non compos mentis, or out of the Province, then and in either of such cases the said Company shall within one year make representation thereof to the said Supreme Court, who shall proceed thereon in the same manner and to the same effect as is directed by this Act in other cases.

12. The said Company, or such person or persons as they shall from time to time appoint as Toll Collectors, or their deputies, are hereby authorized to demand and receive toll of and from any and all persons whose logs, timber, or other lumber may pass through said Sluice, the rates of which toll shall be regulated and established by the said Company ; and the toll collectors appointed as aforesaid, shall be and they are hereby authorized not to permit the passage of any logs, timber, or other lumber through the said Sluice, until the tolls fixed by the Company are first paid or discharged by the owner or his agent, or may bring a suit for the recovery of the same against the owner or his agent before any competent tribunal, in the name of the Company, or before any Justice of the Peace for any amounts not exceeding five pounds.

13. Nothing in this Act contained shall extend or be construed to extend to authorize the said Corporation, their agents or servants, or any other person or persons, to use, fill up, or in anywise incumber the Mill Pond of the Upper Mills at Mill Town aforesaid, with logs, timber, or other lumber, intended to be passed through the said Sluice, further than is absolutely necessary for this purpose ; and all charges, damages, and expenses to which the said Upper Mill owners or any of them may be put, and which may be occasioned by such use, filling up, and incumbrance, and which may not be absolutely necessary for the purpose aforesaid, shall be chargeable to and borne by the said Company ; provided also, that said Log and Timber Sluice when erected, shall only be used and occupied two days in each week.

LACOOTE LAKE RIVER DRIVING COMPANY.**16th VICTORIA—CHAPTER 66.****An Act to incorporate the Lacoote Lake River Driving Company.**

Section.

1. Incorporation of Company.
2. On what lands may enter, &c.
3. Tolls.
4. Capital.
5. First meeting.
6. Annual general meeting.
7. Qualification of Directors.
8. Votes.
9. Shares assignable.

Section.

10. Vacancies, how filled.
11. Debts, who liable for.
12. Shareholders, for what liable.
13. Certificates of property.
14. Assessment of shares, for what.
15. Special meeting, how called.
16. When Act may be void.
17. Limitation.

Passed 3rd May 1853.

Be it enacted, &c.—1. William Todd, Junior, George A. Boardman, Henry S. M'Allister, Robert M. Todd, John M'Adam, George F. Todd, William T. Rose, H. F. Eaton, and Nehemiah Marks, their associates and successors, shall be and they are hereby constituted a body corporate, by the name of "The Lacoote Lake River Driving Company," and shall have all the powers and privileges incident to a Corporation by Act of Assembly of this Province, for the purpose of clearing and improving the west branch of Palphrey Brook from the mouth into Lacoote Lake, so called, to facilitate the driving of logs and timber thereon.

2. The said Company shall have power and authority by themselves or their superintendents and workmen, to enter in and upon, and occupy for that purpose, any lands bordering on said brook, as shall be necessary for constructing sluices, erecting dams, and making such other improvements on the said brooks, rivers, or lakes, as may be required to facilitate the driving of logs and timber thereon, doing no unnecessary damage thereto.

3. The said Company, or such person or persons as they shall from time to time appoint as toll collectors, are hereby authorized to demand and receive toll of and from the persons having charge of any timber, saw logs, or other lumber passing along the portion of the said brooks, rivers, or lakes so improved; which tolls shall be regulated and established by the said Company, and confirmed by the Justices of the Peace for the County of York in General Sessions assembled; and the toll

collectors shall be and they are hereby authorized not to permit the passage of any timber, saw logs, or other lumber until the tolls fixed by the Company and so confirmed as aforesaid are first paid; and provided any timber, saw logs, or other lumber should pass along the portion of the said brooks, rivers, or lakes, so improved, and if the owner or owners thereof shall refuse or neglect to pay the tolls to be fixed by the provisions of this Act, then and in such case the said owner or owners shall be liable to double the amount of such toll; provided always, that if one Nehemiah Marks, the owner of a large quantity of land bordering on the said west branch of Palphrey Brook, shall pay one third of the expense of clearing out that portion of said brook which runs through his said land, the said amount to be determined upon and fixed by the Justices of the Peace in and for the County of York in General Sessions, in case the parties cannot themselves agree upon the same, then any timber or lumber taken off said land and placed on such brook and driven by the owner thereof, shall be exempt from the payment of any such tolls.

4. The capital stock of the said Corporation shall be seven hundred and fifty pounds of the current money of the Province of New Brunswick, and shall be divided into sixty shares of twelve pounds ten shillings each, to be paid at such times and in such instalments as the business of the said Company shall require; provided that twenty five per centum of the capital stock of the said Company, amounting to one hundred and eighty seven pounds ten shillings, shall be actually paid in and invested in the business of the said Corporation within two years after the passing of this Act; and provided also, that the said Corporation shall not be entitled to purchase any property, real or personal, or incur any debts until said twenty five per centum of the said capital stock shall have been paid in.

5. The first meeting of the said Corporation shall be held at Saint Stephen, and shall be called by William Todd, Junior, or in case of his death, neglect, or refusal, by any two of the said Company, by giving notice in any Paper printed in the County of Charlotte, or in the Royal Gazette, at least twenty days previous to such meeting, for the purpose of establishing bye laws, choosing five Directors, and such other officers as may be necessary for the management of the affairs of the said

Company ; which Directors and officers so chosen shall serve until the first annual meeting, or until others are chosen in their stead, and shall have full power and authority to manage the concerns of the said Corporation, subject to the rules and regulations hereinafter provided ; provided always, that so soon as the said capital stock of seven hundred and fifty pounds shall have been paid in and expended for the purposes of this Act provided, it shall and may be lawful for the said stockholders, at any general meeting to be called for that purpose, to increase the said capital stock from time to time, in such sum or sums as they may deem expedient, to a sum not exceeding five thousand pounds, which additional capital stock shall be divided into shares of twelve pounds ten shillings each.

6. A general meeting of the stockholders of the said Corporation shall be held on the first Monday in April in each and every year, for the purpose of choosing five Directors, and such other officers of the said Corporation as may be deemed necessary for their affairs ; which Directors so chosen shall remain in office for one year, or until others are chosen in their place, and shall at their first meeting after due election choose one of their number President of such Company ; provided always, that not less than three Directors do form a quorum for the transaction of business, and in case of the absence of the President the Directors shall have power to appoint one of their number Chairman for the occasion.

7. No person shall be eligible as a Director unless such person is a stockholder, and holds not less than four shares of the capital stock of the said Corporation, and is of the full age of twenty one years.

8. The number of votes to which each stockholder shall be entitled on every occasion when in conformity to the provisions of this Act the votes of the said stockholders are to be given, shall be in proportion of one vote for each share of stock, and absent stockholders may vote by proxy, provided such proxy be a stockholder, and produce sufficient authority in writing.

9. The shares in the said Corporation shall be assignable and transferable according to such rules and regulations as may be established in that behalf, but no assignment or transfer shall be valid or effectual unless entered or registered in a book to be kept for that purpose, and in no case shall any

fractional part of a share, or other than a complete share or shares, be assignable or transferable; and when any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company, he shall cease to be a member of the said Corporation.

10. If it should happen that the said Directors or other officers should not be chosen on the said first Monday of April in any year as aforesaid, it shall and may be lawful to choose them on any other day, between the hours of ten in the forenoon and six in the afternoon of such day, on giving twenty days notice of such meeting by personal notice, or by notice in writing sent by mail, or by publication in any Newspaper printed in the County of Charlotte; and in case any Director shall be removed by the stockholders for misconduct, neglect, or mal-administration, his place shall be filled by the stockholders, twenty days notice of the time and place of meeting for such purpose being first given as last aforesaid; and in case of any vacancy among the Directors by death, resignation, absence, or disqualification by sale or transfer of stock, then and in either such case the said Directors shall and may fill up such vacancy by choosing one of the stockholders; and the person so chosen by the stockholders or Directors shall serve until another is chosen in his stead.

11. The joint stock and property of the said Company shall alone in the first instance be responsible for the debts and engagements of the said Company, and no creditor, or person or persons having any demands against the said Company for or on account of any dealings with the said Company, shall have recourse against the separate property of any shareholder on account thereof, except in case of deficiency, or when the joint stock of the said Company shall fall short of or not be equal to the payment of any debt, due, or demand against the same, or upon *nulla bona* being returned on any execution issued against the goods and chattels of the said Company, then and in either such case the goods and chattels, lands and tenements of each shareholder shall and may be levied upon and seized respectively to satisfy such debt or demand, to the extent of double the amount of the share, or shares, or interest of such shareholder in the joint stock of the said Company, but no more, and such double amount, or so much as may be

necessary to satisfy such debt, due, or demand, shall and may be levied and seized by process of execution in the same suit in which such debt, due, or demand may be recovered against the said Company.

12. Each and every shareholder in the said Corporation shall be held liable to the said Company for each and every call or assessment made (not however to exceed in amount the stock so subscribed for) for the purpose of enabling the said Company to pay the debts and engagements of the said Corporation, or to carry on the operations of the said Company for which it is incorporated, and shall and may be sued for by the said Corporation, and recovered in any Court of Record within this Province.

13. All the shares in the said Company shall be numbered in progressive order, beginning at number one, and every member of the said Company shall have a certificate under the seal of the said Corporation, and signed by the President and Secretary thereof, certifying his property in such shares as shall be expressed in the certificate.

14. The said Company shall have power to levy and collect upon the shares from time to time, such sum or sums of money as shall be judged by such Corporation necessary for the payment of any debts of the said Corporation, and for the purchase of such real estate and personal property, and the erecting and building dams, sluices, and other things as may be deemed necessary and requisite for carrying on the business of the said Corporation; and whenever any assessment shall be made by the stockholders of the said Company, it shall be the duty of the Secretary or agent thereof to give notice of such assessment in some Newspaper printed in the County of Charlotte, or in the Royal Gazette, requiring payment of the same within thirty days; and if any stockholder shall neglect or refuse to pay to the Secretary or agent the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the Secretary or agent to advertise all such delinquent shares by public auction, giving at least thirty days notice of the time and place of such sale, and all shares upon which the assessment is not then paid, with interest from the time when such assessment became due, shall be sold to the highest bidder, and after retaining the amount of assessment and interest due

on the same, and the expense of advertising and selling the same, the residue (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares so sold be made out and delivered to the purchaser or purchasers; provided always, that such assessment or assessments shall not in the whole exceed the amount of the capital stock appointed by this Act, or the capital stock to be increased as is herein-before directed; and also provided, that no assessment shall be made except by a vote of the stockholders, and a majority of all the shares.

15. A special meeting of the said Company may be called by the Secretary or Agent, under the authority of the Directors, or of the stockholders representing not less than fifteen shares, thirty days notice at least of the time and place of such meeting being given in some Newspaper published in the said County of Charlotte, or by personal notice, or by notice by mail as aforesaid.

16. Provided always, that unless twenty five per centum of the said capital stock shall be paid in for the purpose of this Corporation, and a certificate of such payment, signed and verified on oath by the said Directors, or a majority of them, before any Justice of the Peace, shall be filed in the Office of the Secretary of the Province before the expiration of three years next after the passing of this Act, the operation of this Act shall cease, and the existence of this Corporation terminated at the end of the said three years.

17. This Act shall continue and be in force until the first day of December which will be in the year of our Lord one thousand eight hundred and sixty six.

GAS COMPANIES.

8th VICTORIA—CHAPTER 89.

An Act to incorporate the Saint John Gas Light Company.

Section.

1. Incorporation of Company.
2. Capital.
3. First meeting for choosing Directors, &c.
4. Annual meeting for same.
5. Qualification of Directors.
6. Stockholders' votes.
7. Shares assignable.
8. Vacancies, how supplied.
9. Debts, who liable for.
10. Shares to be taken at first, how limited.
11. Shares, how assessed, &c.

Section.

12. Meetings, how called.
13. Pipes, where may be laid down.
14. City Corporation, how may interfere with Street works.
15. Leaders for public lamps, who to provide.
16. Refuse of coal tar, where not allowed to be drained.
17. What certificate filed, and where.
18. Company controlled, when, by City Corporation.

Passed 14th April 1845.

WHEREAS the establishment of a Company for the purpose of erecting Gas Works in the City of Saint John, in order to furnish the means of lighting the said City and its vicinity in a superior manner, would be an object of public utility ;—

Be it therefore enacted, &c.—1. James Kirk, Frederick A. Wiggins, John Duncan, Alfred Smithers, William Parks, Duncan Robertson, William Henry Scovil, Robert L. Hazen, Thomas Daniel, Lemuel A. Wilmot, James Taylor, Charles Fisher, John A. Street, George S. Hill, and James Boyd, their associates, successors, and assigns, shall be and they hereby are erected into a body politic and corporate, by the name of “The Saint John Gas Light Company,” and shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of lighting the City of Saint John and its vicinity with Gas, and for all necessary works therewith connected.

2. The capital stock of the said Corporation shall be twenty thousand pounds of current money of New Brunswick, and shall be divided into two thousand shares of ten pounds each, to be paid in at such times and in such instalments as the business of the said Company shall require, provided that fifteen per centum of the said capital stock, amounting to three thousand pounds, shall be actually paid in and invested in the business of the said Corporation in one year from the passing of this Act ; and provided also, that the said Corporation shall, when necessary, have leave to extend the said capital stock to

the sum of thirty thousand pounds of like current money, and shall have power to increase the number of shares accordingly, or to assess such increase upon the original number of shares; and provided also, that the said Corporation shall not be entitled to purchase any property, real or personal, or to incur any debts until the said fifteen per centum of the capital stock as aforesaid shall be paid in.

3. The first meeting of the said Corporation shall be held at the City of Saint John, and shall be called by James Kirk, Esquire, or in case of his death, neglect, or refusal, by any two of the said Company, by giving notice in one or more of the public Newspapers printed in the said City, at least twenty days previous to such meeting, for the purpose of establishing bye laws, choosing nine Directors, and such other officers as may be necessary for the management of the affairs of the said Company; which Directors and officers so chosen, shall serve until the first annual meeting, or until others are chosen in their stead, and shall have full power and authority to manage the concerns of the said Corporation, subject to the rules and regulations hereinafter made and provided.

4. A general meeting of the stockholders of the said Corporation shall be held at the City of Saint John on the [the words here omitted are repealed by 16 V. c. 55, s. 2] in each and every year, for the purpose of choosing nine Directors, and such other officers as may be necessary for the management of the affairs of the said Corporation; which Directors so chosen, shall remain in office for one year, or until others are chosen in their stead, and shall at the first meeting after their election choose one of their number President of the said Company; provided always, that not less than five Directors do form a quorum for the transaction of business, and in case of the absence of the President, the Directors shall have power to appoint one of their number Chairman for the occasion.

5. No person shall be eligible as a Director unless such person is a stockholder and holds not less than twenty shares of the capital stock of the said Corporation, and is of the full age of twenty one years.

6. The number of votes to which each stockholder shall be entitled on every occasion when in conformity to the provisions of this Act the votes of the stockholders are to be given,

shall be for one share and not more than two, one vote ; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares ; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares ; for every eight shares above thirty and not exceeding seventy, one vote, making fifteen votes for seventy shares ; for every twelve shares above seventy and not exceeding one hundred and thirty, one vote, making twenty votes for one hundred and thirty shares ; which said number of twenty votes shall be the greatest any stockholder shall be entitled to have ; and all stockholders may vote by proxy, such proxy being a stockholder, and producing sufficient authority in writing from his constituent.

7. The shares in the said Corporation shall be assignable and transferable according to such rules and regulations as may be established in that behalf, but no assignment or transfer shall be valid and effectual unless the same shall be entered and registered in a book to be kept by the Directors for that purpose ; in no case shall any fractional part of a share, or other than a complete share or shares, be assignable or transferable ; whenever any stockholder shall transfer in manner aforesaid all his stock and shares in the said Company, he shall cease to be a member of the said Corporation.

8. In case of any vacancy among the Directors by death, resignation, or disqualification by sale or transfer of stock, then and in either of such cases, the said Directors shall and may fill up such vacancy by choosing one of the stockholders, and the person so chosen by the Directors shall serve until another is chosen in his room.

9. The joint stock or property of the said Corporation shall alone in the first instance be responsible for the debts and engagements of the said Corporation, and no creditor, or person or persons having any demands against the said Corporation, for or on account of any dealings with the said Corporation, shall have recourse against the separate property of any shareholder on account thereof, except in case of deficiency, or where the joint stock of the said Corporation shall fall short of or not be equal to the payment of any debt, due, or demand against the same, then and in such case the goods and chattels, lands and tenements of each shareholder shall and may be

levied upon and seized respectively, to satisfy such debt or demand, to the extent of double the amount of the share, or shares, or interest of such shareholder in the joint stock of the said Corporation, but no more, and such double amount, or so much as may be necessary to satisfy such debt, due, or demand, shall and may be levied and seized by process of execution in the same suit in which such debt, due, or demand may be recovered against said Corporation.

10. The stock subscription list shall be left at some public place in the City of Saint John, notice of which shall be given in two or more of the public Newspapers published in the said City; and no individual, either by himself or his agent, shall be allowed to subscribe for more than fifty shares until after the expiration of two months from the date of such notice, at the expiration of which time, should the stock in said Corporation be not all taken up, then any person may be allowed to take any number of shares he may see fit until the said stock is all taken up.

11. The said Company shall have power to levy and collect assessment upon the shares from time to time, of such sums of money as may be deemed necessary for carrying on the business of the said Company; and whenever any assessment shall be made by the said Company, it shall be the duty of the Treasurer to give notice thereof in two or more Newspapers printed in the City of Saint John, requiring payment of the same within thirty days; and if any stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent's shares for sale at public auction, giving at least thirty days notice of the time and place of such sale; and all shares upon which the assessment is not then paid, with interest from the time such assessment became due, shall be sold to the highest bidder, and after retaining the amount of assessment and interest due on each share, and the expense of advertising and selling, the residue (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchaser; provided always, that no assessment shall be made except by a vote of the stockholders and a majority of all the shares.

12. All meetings of the said Company shall be called by public notice being given of the time and place in one or more Newspapers printed in the City of Saint John, seven days at least before the time of such meeting, and special meetings may be called by the Secretary under the authority of the Directors, or by shareholders representing not less than two hundred and fifty shares of stock, upon giving the like notice.

13. It shall and may be lawful for the said Company, at a proper and convenient depth under each and every of the streets and roads leading into and through the said City and its vicinity, to lay down, set, and place such and so many pipes, leaders, and other apparatus for the said gas as they shall find to be necessary for conveying the same to any or every building or lamp post in the said City or its vicinity; and from time to time, as often as the said Company shall think proper, to lay down such pipes, leaders, and other apparatus, or shall have occasion to alter, amend, or repair the same, it shall also be lawful for said Company to break up and open any part whatsoever of the said roads and streets, or of the covering, pavement, or side walks thereof, and the same to keep open and uncovered during the time necessary for said purposes; provided always, that before the said Company shall break up or open any such road, street, covering, pavement, or side walks, they shall give previous notice of their intention so to do to the Mayor, Aldermen, and Commonalty of the said City, and shall receive their permission in writing therefor, and not otherwise; and provided also, that the said Company shall and do, at their own proper costs and charges, and to the satisfaction of the said Mayor, Aldermen, and Commonalty, and without unnecessary delay, repair and amend the said roads, streets, covering, pavements, or side walks, in every part where they shall be so broken up and opened as aforesaid, to the condition in which they were before breaking up or opening the same; provided that nothing in this Act contained shall be construed to authorize such Corporation to injure or interfere with the excavations or works of the Saint John Water Company, without the consent of such Company first had in writing.

14. If the said Company shall not repair the said streets, roads, covering, pavement, or side walks, or any of them so broken up, to the satisfaction of the said Mayor, Aldermen,

and Commonalty, it shall be lawful for the said Mayor, Aldermen, and Commonalty to cause the same to be repaired, and to sue for and recover the expense incurred therein from the said Company, in the Supreme Court of the Province.

15. The said Company do and shall in every street or road through which their said pipes shall be laid, make and provide proper leaders and apparatus for supplying the public lamps in the several streets with gas, and shall do and provide such apparatus, and at such distances from each other, as the Mayor, Aldermen, and Commonalty, in Common Council convened, shall from time to time direct and appoint, under penalty of forfeiting the privileges and immunities granted in and by this Act; provided always, that the said Mayor, Aldermen, and Commonalty shall pay any additional expense that may be incurred by the making of such leaders and apparatus for supplying of gas.

16. From and after the passing of this Act, the said Company, or any person or persons who may in any way be employed by them, shall not throw, drain, or cause, suffer, or permit any person or persons to throw or drain into any part of the Harbour of the City of Saint John, or into any bay, cove, creek, or stream falling into the said Harbour, any refuse of coal tar or other noxious substance that may arise from said gas works, under the penalty of twenty pounds for each and every offence.

17. Provided always, that unless three thousand pounds of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment, signed and verified on oath by the said Directors, or a majority of them, which oath any Justice of the Peace is hereby authorized to administer, shall be filed in the Office of the Secretary of the Province before the expiration of one year after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation shall be terminated at the expiration of the said one year.

18. The Mayor, Aldermen, and Commonalty of the City of Saint John, in Common Council convened, shall at all times have power to regulate, restrict, and control the acts and doings of the said Gas Company, which may in any manner affect the health, safety, or comfort of the inhabitants of the said City of Saint John, and to pass such bye laws relative

thereto from time to time, as the circumstances of the case may require, and to enforce obedience to the same by such penalties as they may deem necessary, not exceeding the sum of twenty pounds for any one offence.

10th VICTORIA—CHAPTER 82.

An Act to incorporate the Fredericton Gas Light Company.

Section.

1. Incorporation of Company.
2. Capital.
3. First meeting for choice of Directors, &c.
4. Annual meeting for same.
5. Qualification of Directors.
6. Stockholders' votes.
7. Shares assignable.
8. Vacancies, how filled.
9. Stockholders, for what liable.
10. Debts, who liable for.
11. Subscription list, where left, &c.

Section.

12. Shares, how assessed, &c.
13. Meetings, how called.
14. Pipes, where may be laid down.
15. Commissioners of Highways, how may interfere with Street works.
16. Refuse of coal tar, where not to be drained.
17. When Act may cease.
18. Company, when and by whom controlled.
19. Leaders for public lamps, &c.

Passed 14th April 1847.

WHEREAS the establishment of a Company for the purpose of erecting Gas Works in the Town of Fredericton, in order to furnish the means of lighting the said Town in a superior manner, would be an object of public utility;—

Be it therefore enacted, &c.—1. William J. Bedell, Frederick W. Hatheway, Spafford J. Barker, William Watts, Junior, Thomas Pickard, and Robert Chestnut, their associates, successors, and assigns, shall be and they are hereby erected into a body politic and corporate, by the name of “The Fredericton Gas Light Company,” and shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of lighting the Town of Fredericton with Gas, and for all necessary works therewith connected.

2. The capital stock of the said Corporation shall be ten thousand pounds current money of New Brunswick, and shall be divided into one thousand shares of ten pounds each, to be paid in at such times and in such instalments as the business of the said Company shall require, provided that fifteen per centum of the said capital stock, amounting to one thousand five hundred pounds, shall be actually paid in and invested in the business of the said Corporation in two years from the passing of this Act; and provided also, that the said Corporation shall, when necessary, have leave to extend the said capital

stock to the sum of twenty thousand pounds of like current money, and shall have power to increase the number of shares accordingly, or to assess such increase upon the original number of shares ; and provided also, that the said Corporation shall not be entitled to purchase any property, real or personal, or to incur any debts, until the said fifteen per centum of the capital stock as aforesaid shall be paid in.

3. The first meeting of the said Corporation shall be held in the said Town of Fredericton, and shall be called by William J. Bedell, Esquire, or in case of his death, neglect, or refusal, by any two of the said Company, by giving notice in one or more of the public Newspapers printed in Fredericton, at least twenty days previous to such meeting, for the purpose of establishing bye laws, choosing Directors, and such other officers as may be necessary for the management of the affairs of the said Company ; which Directors and officers so chosen, shall serve until the first annual meeting, or until others are chosen in their stead, and shall have full power and authority to manage the concerns of the said Corporation, subject to the rules and regulations hereinafter made and provided.

4. A general meeting of the stockholders of the said Corporation shall be held in Fredericton [the words here omitted are repealed by 15 V. c. 26] for the purpose of choosing five Directors, and such other officers as may be necessary for the management of the affairs of the said Corporation ; which Directors so chosen, shall remain in office one year, or until others are chosen in their stead ; and shall at the first meeting after their election choose one of their number President of the said Company ; provided always, that not less than three Directors do form a quorum for the transaction of business, and in case of the absence of the President, the Directors shall have power to appoint one of their number Chairman for the occasion.

5. No person shall be eligible as a Director unless such person is a stockholder, and holds not less than five shares of the capital stock of the said Corporation, and is of the full age of twenty one years.

6. The number of votes to which each stockholder shall be entitled on any occasion when according to the provisions of this Act the votes of the stockholders are to be given, shall be

for one share and not more than two, one vote ; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares ; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares ; for every eight shares above thirty and not exceeding seventy, one vote, making fifteen votes for seventy shares ; for every twelve shares above seventy and not exceeding one hundred and thirty, one vote, making twenty votes for one hundred and thirty shares ; which said number of twenty votes shall be the greatest any stockholder shall be entitled to have ; and all stockholders may vote by proxy, such proxy being a stockholder, and producing sufficient authority in writing from his constituent.

7. The shares in the said Corporation shall be assignable and transferable according to such rules and regulations as may be established in that behalf, but no assignment or transfer shall be valid or effectual, unless the same shall be entered and registered in a book to be kept for that purpose ; in no case shall any fractional part of a share, or other than a complete share or shares, be assignable or transferable ; whenever any stockholder shall transfer in manner aforesaid all his stock and shares in the said Company, he shall cease to be a member in the said Corporation.

8. In case of any vacancy among the Directors by death, resignation, or disqualification by sale or transfer of stock, then and in either of such cases the said Directors shall and may fill up such vacancy by choosing one of the stockholders, and the person so chosen by the Directors shall serve until another is chosen in his room.

9. Each and every stockholder in the said Company shall be held liable to the said Company for the payment of each and every call or assessment made, (not however to exceed in amount the stock so subscribed for) for the purpose of enabling the said Company to pay the debts and engagements of the said Corporation, or to carry on the operations for which the said Company is incorporated, and shall and may be sued for by the said Company, and recovered in any Court of Record within the Province.

10. The joint stock or property of the said Corporation shall alone in the first instance be responsible for the debts and

engagements of the said Corporation; and no creditor, or person or persons having any demands against the said Corporation, for or on account of any dealings with the said Corporation, shall have recourse against the separate property of any shareholder on account thereof, except in case of deficiency, or where the joint stock of the said Corporation shall fall short of or not be equal to the payment of any debts due or demand against the same; then and in such case the goods and chattels, lands and tenements of each shareholder, shall and may be levied upon and seized respectively, to satisfy such debt or demand, to the extent of double the amount of the share, or shares, or interest of such shareholder in the joint stock of the said Corporation, but no more; and such double amount, or so much as may be necessary to satisfy such debt, due, or demand, shall and may be levied and seized by process of execution in the same suit in which such debt, due, or demand may be recovered against said Corporation.

11. The stock subscription list shall be left at some public place in the Town of Fredericton, notice of which shall be given in two or more of the Newspapers published in the said Town; and no individual, either by himself or his agent, shall be allowed to subscribe for more than fifty shares until after the expiration of two months from the date of such notice, at the expiration of which time, should the stock in the said Corporation be not all taken up, then any person may be allowed to take any number of shares he may see fit, until the said stock is all taken up.

12. The said Company shall have power to levy and collect assessments upon the shares from time to time of such sums of money as may be deemed necessary for carrying on the business of the said Company; and whenever any assessment may be made by the said Company, it shall be the duty of the Treasurer to give notice thereof in one or more of the Newspapers published in Fredericton, requiring payment of the same within thirty days; and if any stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent shares for sale at public auction, giving at least thirty days notice of the time and place of such sale; and all shares upon which

the assessment is not then paid, with interest from the time such assessment became due, shall be sold to the highest bidder, and after retaining the amount of assessment, and interest due on each share, and the expense of advertising and selling, the residue (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchaser; provided always, that no assessment shall be made except by a vote of the stockholders, and a majority of all the shares.

13. All meetings of the said Company shall be called by public notice thereof in one or more Newspapers published as aforesaid, ten days at least before the time of such meeting; and all special meetings may be called by the Secretary, under the authority of the Directors, or by shareholders representing not less than one hundred shares of stock, upon giving the like notice.

14. It shall and may be lawful for the said Company, at a proper and convenient depth under each and every of the streets and roads leading into and through the said Town and its vicinity, to lay down, set, and place such and so many pipes, leaders, and other apparatus for the said gas, as they shall find to be necessary for conveying the same to any or every building or lamp post in the said Town or its vicinity; and from time to time, as often as the said Company shall think proper to lay down such pipes, leaders, and other apparatus, or if occasion require, to alter, amend, or repair the same, it shall also be lawful for the said Company to break up and open any part whatsoever of the said roads and streets, or of the covering, pavement, or sidewalks thereof, and the same to keep open and uncovered during the time necessary for such purposes; provided always, that the said Company shall and do, at their own proper costs and charges, and to the satisfaction of the Commissioners of Streets and Highways for the Town and Parish of Fredericton for the time being, and without unnecessary delay, repair and amend the said roads, streets, coverings, pavements, or sidewalks, in every part where they shall be so broken up and opened as aforesaid, to the condition in which they were before breaking up or opening the same.

15. If the said Company shall not repair the said streets,

roads, covering, pavement, or sidewalks, or any of them so broken up, to the satisfaction of the said Commissioners of Highways for the time being, or a majority of them, it shall be lawful for the said Commissioners to cause the same to be repaired, and to sue for and recover the expense incurred therein from the said Company in the Supreme Court of this Province.

16. From and after the passing of this Act, the said Company, or any person or persons who may in any way be employed by them, shall not throw, drain, or cause, suffer, or permit any person or persons to throw or drain into any part of the River Saint John, any refuse of coal tar, or other noxious substance that may arise from the said Gas Works, under the penalty of five pounds for each and every offence.

17. Provided always, that unless one thousand five hundred pounds of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment signed and verified on oath by the said Directors, or a majority of them, which oath any Justice of the Peace is hereby authorized to administer, shall be filed in the Office of the Secretary of the Province before the expiration of two years after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation shall be terminated at the expiration of the said two years.

18. The Justices of the Peace in and for the County of York, at any General or Special Session, shall have power to regulate, restrict, and control the acts and doings of the said Company which may in any manner affect the health, safety, or comfort of the inhabitants of the said Town, and to make such regulations relative thereto from time to time as the circumstances of the case may require, and to enjoin obedience to the same by such penalties as they may deem necessary, not exceeding the sum of twenty pounds for any one offence.

19. The said Company do and shall in every street or road through which the said pipes shall be laid, make and provide proper leaders and apparatus for supplying with gas any public lamps which may hereafter be set up in the several streets, and shall provide such apparatus, and at such distances from each other, as the said Justices in General Sessions shall from time to time direct; provided that such Justices shall pay

any additional expense that may be incurred by the said Company by the making of such leaders and apparatus for supplying gas.

15th VICTORIA—CHAPTER 26.

An Act to amend the Act to incorporate the Fredericton Gas Light Company.

Section 1.—Annual meeting.

Passed 18th February 1852.

WHEREAS the time prescribed by the fourth Section of an Act made and passed in the thirteenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to incorporate the Fredericton Gas Light Company*, for holding the annual meeting of the said Corporation, has been found inconvenient, and it is deemed advisable to amend the said Act in that respect ;—

Be it therefore enacted, &c.—1. So much of the fourth Section of the said recited Act to incorporate the Fredericton Gas Light Company as provides for the holding of the annual meeting, be and the same is hereby repealed, and in lieu thereof, the annual general meeting of the said Corporation shall be holden at such time as the stockholders of the said Corporation shall by bye law from time to time prescribe, any thing in the said Act to the contrary notwithstanding.

16th VICTORIA—CHAPTER 55.

An Act to alter and amend an Act intituled *An Act to incorporate the Saint John Gas Light Company*.

Section.

1. Capital, how extended.
2. General annual meeting.

Section.

3. Existing officers, how long to remain.

Passed 3rd May 1853.

WHEREAS in and by the second Section of an Act made and passed in the eighth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to incorporate the Saint John Gas Light Company*, it is provided that the said Corporation shall have leave to extend the capital stock of the said Corporation to the sum of thirty thousand pounds of current money of New Brunswick : And whereas the said stock has been so

extended, and the said sum of thirty thousand pounds has been found inadequate to enable the said Corporation to extend their works so as fully to carry out the intention of the Legislature : And whereas it is provided by the fourth Section of the said Act of Incorporation that a general meeting of the stockholders of the said Corporation shall be held at the City of Saint John on the first Monday in May in each and every year, for the purpose of choosing nine Directors, and such other officers as may be necessary for the management of the affairs of the said Corporation : And whereas the said first Monday in May has been found to be an inconvenient time for holding such general meeting, and it is deemed advisable that such meeting should be held at a later period of the year : And whereas at a general meeting of the stockholders of the said Corporation held at the City of Saint John aforesaid on the first Monday in May last, nine Directors and such other officers as were necessary for the management of the affairs of the said Corporation were duly elected and chosen ;—

Be it therefore enacted, &c.—1. The said Saint John Gas Light Company shall have leave to extend the capital stock of the said Corporation to the sum of forty thousand pounds of current money of New Brunswick, and to assess such increase upon the original number of shares ; and the said Corporation shall, to such extent, have power to levy and collect assessments upon the shares from time to time, of such sums of money as may be deemed necessary for extending the works or carrying on the business of the said Company ; and the same shall and may be called in, levied, and collected in all respects in the manner pointed out in and by the eleventh Section of the said recited Act.

2. From and after the passing of this Act, the general meeting of the stockholders of the said Corporation for the election of officers, as provided by the fourth Section of the said Act, shall be held on the second Tuesday in June in each and every year, in lieu of the said first Monday in May.

3. The said nine Directors and other officers necessary for the management of the affairs of the said Corporation, so chosen and elected on the first day of May last, shall continue in office until the second Tuesday in June next, or until others are chosen in their place and stead, any thing in the said Act contained to the contrary thereof notwithstanding.

17th VICTORIA—CHAPTER 60.

An Act to incorporate the Saint Andrews Gas Company.

Section.

1. Corporation, how constituted.
2. Capital stock.
3. First meeting.
4. General annual meeting.
5. Qualifications of Directors.
6. Stockholders' votes.
7. Shares, when assignable.
8. Vacancy, how filled up.
9. Liability of stockholders for calls.

Section.

10. Joint stock, for what liable.
11. Stock list, how dealt with.
12. Power of Company to levy assessment.
13. Meetings, how called.
14. Laying down of pipes.
15. Duty of Company to repair roads.
16. Act, when to come into operation.
17. Power of Justices over Company.
18. Provision for public lights.

Passed 1st May 1854.

WHEREAS the establishment of a Company for the purpose of erecting Gas Works in the Town of Saint Andrews, in order to furnish the means of lighting the said Town in a superior manner, would be an object of public utility ;—

Be it therefore enacted, &c.—1. George F. Campbell, J. H. Whitlock, W. Hatch, Donald Clarke, Constant Dimock, Dennis Bradley, George W. King, Thomas J. Odell, Julius Thompson, and Edmund Wilson, their associates, successors, and assigns, shall be and they are hereby erected into a body politic and corporate, by the name of “The Saint Andrews Gas Company,” and shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of lighting the Town of Saint Andrews with Gas, and for all necessary works therewith connected.

2. The capital stock of the said Corporation shall be five thousand pounds current money of New Brunswick, and shall be divided into five hundred shares of ten pounds each, to be paid in at such times and in such instalments as the business of the said Company shall require, provided that twenty five per centum of the said capital stock, amounting to twelve hundred and fifty pounds, shall be actually paid in and invested in the business of the said Corporation in four years from the passing of this Act; and provided also, that the said Corporation shall when necessary have leave to extend the said capital stock of the said Corporation to the sum of ten thousand pounds of like current money, and shall have power to increase the number of shares accordingly, or to assess such increase upon the original number of shares; and provided also, that the said Corporation shall not be entitled to purchase any property, real or personal, or to incur any debts, until the

said twenty five per centum of the capital stock as aforesaid shall be paid in.

3. The first meeting of the said Corporation shall be held in the Town of Saint Andrews, and shall be called by George F. Campbell, or in case of his death, neglect, or refusal, by any two of the said Company, by giving notice in one or more of the public Newspapers printed in Saint Andrews at least twenty days previous to such meeting, for the purpose of establishing bye laws and choosing Directors, which Directors so chosen shall serve until the first annual meeting, or until others are chosen in their stead, and shall have full power and authority to manage the concerns of the said Corporation, subject to the rules and regulations hereinafter made and provided.

4. A general meeting of the stockholders of the said Corporation shall be held in Saint Andrews on the first Tuesday in May in each and every year, for the purpose of choosing five Directors, which Directors so chosen shall remain in office one year, or until others are chosen in their stead, and shall at their first meeting after their election choose one of their number President of the said Company; provided always, that not less than three Directors do form a quorum for the transaction of business, and in case of the absence of the President, the Directors shall have power to appoint one of their number Chairman for the occasion.

5. No person shall be eligible as a Director unless such person is a stockholder, and holds not less than three shares of the capital stock of the said Corporation, and is of the full age of twenty one years.

6. The number of votes to which each stockholder shall be entitled on any occasion when according to the provisions of this Act the votes of the stockholders are to be given, shall be for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; for every eight shares above thirty and not exceeding seventy, one vote, making fifteen votes for seventy shares; for every twelve shares above seventy and not exceeding one hundred and thirty, one vote, making twenty votes for one

hundred and thirty shares; which said number of twenty votes shall be the greatest any stockholder shall be entitled to have, and all stockholders may vote by proxy, such proxy being a stockholder, and producing sufficient authority in writing from his constituent.

7. The shares in the said Corporation shall be assignable and transferable according to such rules and regulations as may be established in that behalf; but no assignment or transfer shall be valid or effectual unless the same shall be entered and registered in a book to be kept for that purpose; in no case shall any fractional part of a share, or other than a complete share or shares, be assignable or transferable; whenever any stockholder shall transfer in manner aforesaid all his stock and shares in the said Company, he shall cease to be a member of the said Corporation.

8. In case of any vacancy among the Directors by death, resignation, or disqualification by sale or transfer of stock, then and in either of such cases the said Directors shall and may fill up such vacancy by choosing one of the stockholders, and the person so chosen by the Directors shall serve until another be chosen in his room.

9. Each and every stockholder in the said Company shall be held liable to the said Company for the payment of each and every call or assessment made, (not however to exceed in amount the stock so subscribed for) for the purpose of enabling the said Company to pay the debts and engagements of the said Corporation, or to carry on the operations for which the said Company is incorporated, and shall and may be sued for by the said Company and recovered in any Court of Record within the Province.

10. The joint stock or property of the said Corporation shall alone in the first instance be responsible for the debts and engagements of the said Corporation, and no creditor, or person or persons having any demands against the said Corporation, for or on account of any dealings with the said Corporation, shall have recourse against the separate property of any shareholder on account thereof, except in case of deficiency, or when the joint stock of the said Corporation shall fall short of, or not be equal to the payment of any debts, dues, or demands against the same; then and in such case the goods and chattels, lands

and tenements of each shareholder shall and may be levied upon and seized respectively, to satisfy such debt or demand, to the extent of double the amount of the share, or shares, or interest of such shareholder in the joint stock of the said Corporation, but no more, and such double amount, or so much as may be necessary to satisfy such debt, due, or demand, shall and may be levied and seized by process of execution in the same suit in which such debt, due, or demand may be recovered against said Corporation.

11. The stock subscription list shall be left at some public place in the Town of Saint Andrews, notice of which shall be given in two or more of the Newspapers published in the County of Charlotte; and no individual, either by himself or his agent, shall be allowed to subscribe for more than fifty shares until after the expiration of two months from the date of such notice, at the expiration of which time, should the stock in the said Corporation be not all taken up, then any person may be allowed to take any number of shares he may see fit, until the said stock is all taken up.

12. The said Company shall have power to levy and collect assessments upon the shares from time to time, of such sums of money as may be deemed necessary for carrying on the business of the said Company, and it shall be the duty of the Treasurer to give notice thereof in one or more of the Newspapers published in the said County of Charlotte, requiring payment of the same within thirty days; and if any stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent shares for sale at public auction, giving at least thirty days notice of the time and place of such sale, and all shares upon which the assessment is not then paid, with interest from the time such assessment became due, shall be sold to the highest bidder, and after retaining the amount due on each share, and the expense of advertising and selling, the remainder (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchaser; provided always, that no assessment shall be made except by a vote of the stockholders and a majority of all the shares.

13. All meetings of the said Company shall be called by public notice thereof in one or more Newspapers published as aforesaid, ten days at least before the time of such meeting, and all special meetings may be called by the Secretary, under the authority of the Directors, or by shareholders representing not less than fifty shares of stock, upon giving the like notice.

14. It shall and may be lawful for the said Company, at a proper and convenient depth under each and every of the streets and roads leading into and through the said Town and its vicinity, to lay down, set, and place such and so many pipes, leaders, and other apparatus for the said gas as they shall find to be necessary for conveying the same to any or every building or lamp post in the said Town or its vicinity ; and from time to time as often as the said Company shall think proper, to lay down such pipes, leaders, and other apparatus, or if occasion require, to alter, amend, or repair the same, it shall also be lawful for the said Company to break up and open any part whatsoever of the said streets and roads, or of the covering, pavement, or side walk thereof, and the same to keep open and uncovered during the time necessary for such purposes ; provided always, that the said Company shall and do, at their own proper costs and charges, and to the satisfaction of the Commissioners of Streets and Highways for the Town and Parish of Saint Andrews for the time being, and without unnecessary delay, repair and amend the said roads, streets, coverings, pavements, or side walks, in every part where they shall be so broken up and opened as aforesaid, to the condition in which they were before breaking up or opening the same.

15. If the said Company shall not repair the streets, roads, covering, pavement, or side walks, or any of them so broken up, to the satisfaction of the said Commissioners of Highways for the time being, or a majority of them, it shall be lawful for the said Commissioners to cause the same to be repaired, and to sue for and recover the expense incurred therein from the said Company, in the Supreme Court of this Province, or in any Court competent to try the same.

16. Unless twelve hundred and fifty pounds of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment, signed

and verified on oath by the said Directors, or a majority of them, (which oath any Justice of the Peace is hereby authorized to administer) shall be filed in the Office of the Secretary of the Province before the expiration of four years after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation shall be terminated at the expiration of the said four years.

17. The Justices of the Peace in and for the County of Charlotte shall have power to regulate, restrict, and control the acts and doings of the said Company which may in any manner affect the health, safety, or comfort of the inhabitants of the said Town, and to make such rules and regulations relative thereto from time to time as the circumstances of the case may require, and to enjoin obedience to the same by such penalties as they may deem necessary, not exceeding the sum of twenty pounds for any offence.

18. The said Company do and shall in every street or road through which the said pipes shall be laid, make and provide proper leaders and apparatus for supplying with gas any Light House and public lamps which may hereafter be set up in the several streets, and shall provide such apparatus, and at such distances from each other as the said Justices in General Sessions shall from time to time direct, provided that such Justices in General Sessions shall pay any additional expense that may be incurred by the said Company by the making of such leaders and apparatus for supplying gas.

BRIDGE COMPANIES.

8th VICTORIA—CHAPTER 52.

An Act to incorporate the Saint Croix Bridge Company.

Section.

1. Incorporation of Company.
2. Site of Bridge.
3. Tolls and regulations.
4. First meeting, where held.

Section.

5. Tolls, for what taken.
6. Penalty for crossing beyond walking pace.
7. Penalty for evading toll.
8. Limitation.

Passed 27th March 1845.

Be it enacted, &c.—1. Thomas Wyer, Harris Hatch, Nehemiah Marks, Ninian Lindsay, William Todd, Junior, Daniel Sullivan, William Porter, George S. Hill, their associates, successors, and assigns, be and they are hereby created and declared to be a body politic and corporate, by the name of “The Saint Croix Bridge Company,” and by that name have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, and may make any bye laws for the management of their concerns not repugnant to the laws of the Empire and of this Province, and may choose a Clerk, Treasurer, and any other officer proper for the management of their corporate business, by a majority of votes present, allowing one vote to each share; provided that no individual be entitled to more than ten votes on his shares.

2. The said bridge shall be established and continued where it now is in the Parish of Saint Stephen, in the County of Charlotte, in this Province, that is to say, from the public highway, nearly opposite the dwelling house of James Hannah, to the centre of the River Saint Croix, a short distance below the Salt Water Falls, (so called) and said bridge shall be kept in good repair and condition for the convenience and safety of passengers, and a passage way for lumber shall be kept open under the same, at least thirty feet wide.

3. A toll be and is hereby granted for the benefit of the said Corporation according to the following rates:—For each foot passenger, one penny half penny; one person and horse, two pence half penny; a horse and cart or wagon, four pence; a horse and sleigh or chaise, or other pleasure carriage, drawn by one horse, six pence; each team, including cart, wagon, sled, or sleigh drawn by two oxen, ten pence; and for every

additional beast, one half penny ; four wheeled carriages with two horses, one shilling ; for every additional horse, two pence half penny ; beast of burden, exclusive of those rode upon or in carriages, two pence each ; sheep and swine, one half penny each ; and to each team one person only shall be allowed, as driver, to pass free of toll : and at all times when the toll gatherer shall not attend his duty, the gate or gates shall be left open, and the toll shall be collected in such manner as may be prescribed by the said Corporation ; and as the tolls are collected, the rates of toll, and all others which may be hereafter granted, shall be fairly and legibly printed in large letters, and kept constantly exposed to the view of passengers ; provided however, that after ten years from the time when this Act shall come into operation, the rate of toll shall be subject to the further regulation of the Legislature.

4. Either of the persons named in the first Section of this Act, may call the first meeting of the said Corporation, by posting up a notification thereof in two public places in the said Parish of Saint Stephen and Town of Saint Andrews, at least seven days before such meeting, and specifying in such notice the time and place of meeting, which meeting shall be holden in the said Parish of Saint Stephen.

5. The above rates of toll shall be in full for passing the said bridge to the opposite bank of the said river.

6. No horse or other beast, or carriage of any kind, shall be taken or driven over the said bridge at a pace faster than a walk, on pain of a forfeiture of twenty shillings for every offence, to be recovered in an action of debt before any Justice of the Peace, on complaint of the toll gatherer or any proprietor in the stock of the said bridge, and legal proof thereof ; the money, when recovered, to be applied to the use of the said Corporation.

7. Any person who shall run or evade the payment of toll for crossing the said bridge, shall forfeit and pay, for the use of the said Corporation, the sum of ten shillings for every offence, to be recovered as is directed in the last preceding Section of this Act.

8. This Act shall continue and be in force until the first day of May one thousand eight hundred and sixty five, and no longer, and then be subject to renewal on such terms and rates of toll as may be just and equitable.

12th VICTORIA—CHAPTER 69.

An Act to incorporate the Saint John Suspension Bridge Company.

Section.

1. Incorporation of Company.
2. Capital.
3. First meeting for choice of Directors, &c.
4. General annual meeting.
5. Qualification of Directors.
6. Stockholders' votes.
7. Shares assignable.
8. Vacancies, how filled.
9. Debts, who liable for.
10. Shares may be assessed.
11. Meetings, how called.
12. Building bridge, enter on land, &c.
13. Gates, &c. may be erected, and tolls taken.
14. Who prevented from passing bridge.

Section.

15. Disputes, how settled.
16. Compensation for land, &c.
17. Malicious injuries to property.
18. When Act may be void.
19. Passage of Mails, &c. free.
20. Statement of affairs, before whom laid.
21. Assessments unpaid, who may sue for.
22. Declaration in suits.
23. Proof on trial.
24. When Government may purchase.
25. Navigation of river not to be impeded.
26. Bridge, how constructed, &c.
27. When use of bridge prohibited.
28. Suspending clause.

Passed 14th April 1849.

WHEREAS it is proposed to construct a Suspension Bridge of Iron Wire across the Falls of the River Saint John, at Split Rock, near the City of Saint John : And whereas a Bridge is greatly needed at that point, and would be highly useful to the public in general, and it is thought advisable to incorporate such persons as may be willing, at their own costs and charges, to construct the said Bridge, and grant them all necessary privileges for maintaining the same ;—

Be it therefore enacted, &c.—1. William K. Reynolds, his associates, successors, and assigns, shall be and they are hereby erected into a body politic and corporate, by the name of “The Saint John Suspension Bridge Company,” and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province.

2. The capital stock of the said Corporation shall be twenty thousand pounds of current money of New Brunswick, and shall be divided into four thousand shares of five pounds each, to be paid in at such times and in such instalments as the business of the said Company shall require ; and also, the said Corporation shall, when necessary, have leave to extend the said capital stock to the sum of forty thousand pounds of like current money, and shall have power to increase the number of shares accordingly, or to assess such increase upon the original number of shares.

3. The first meeting of the said Corporation shall be held at the City of Saint John, and shall be called by the said William K. Reynolds, or in case of his death, neglect, or refusal, by any

two of the said Company, by giving notice in one or more of the public Newspapers published in the said City at least twenty days previous to such meeting, for the purpose of establishing bye laws, choosing five Directors, and such other officers as may be necessary for the management of the affairs of the said Company; which Directors and officers so chosen shall serve until the first annual meeting, or until others are chosen in their stead, and shall have full power and authority to manage the concerns of the said Corporation, subject to the rules and regulations hereinafter made and provided.

4. A general meeting of the stockholders of the said Corporation shall be held at the City of Saint John on the first Tuesday in June in each and every year, for the purpose of choosing five Directors, and such other officers as may be necessary for the management of the affairs of the said Corporation; which Directors so chosen shall remain in office for one year, or until others are chosen in their place, and shall at the first meeting after their election choose one of their number President of the said Company; provided always, that not less than three Directors do form a quorum for the transaction of business, and in case of the absence of the President the Directors shall have power to appoint one of their number Chairman for the occasion.

5. No person shall be eligible as a Director unless such person is a stockholder, and holds not less than twenty shares of the capital stock of the said Corporation, and is of the full age of twenty one years.

6. The number of votes to which each stockholder shall be entitled on every occasion when in conformity to the provisions of this Act the votes of the stockholders are to be given, shall be in proportion of one to each share of stock; and absent stockholders may vote by proxy, provided such proxy be a stockholder and produce sufficient authority in writing.

7. The shares of the said Corporation shall be assignable and transferable, according to such rules and regulations as may be established in that behalf; but no assignment or transfer shall be valid and effectual unless the same shall be entered and registered in a book to be kept by the Directors for that purpose; in no case shall a fractional part of a share, or other than a complete share or shares, be assignable or transferable;

whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company, he shall cease to be a member of the said Corporation.

8. If it should so happen that the said Directors or other officers should not be chosen on the first Tuesday in June in any year as aforesaid, it shall and may be lawful to choose them on any other day, between the hours of twelve at noon and three in the afternoon of such day, on giving fourteen days notice of the time and place of such meeting in one or more of the Newspapers published in the City of Saint John; and in case any Director shall be removed by the stockholders for misconduct or mal-administration, his place shall be filled up by the stockholders, fourteen days notice of the time and place of meeting for such purpose being first given; and in case of any vacancy among the Directors by death, resignation, or disqualification by sale and transfer of stock, then and in either of such cases the said Directors shall and may fill up such vacancy by choosing one of the stockholders, and the person so chosen by the stockholders or Directors shall serve until another be chosen in his room.

9. The joint stock and property of the said Company shall alone in the first instance be responsible for the debts and engagements of the same, and no creditors, or person or persons having any demand against the said Company, for or on account of any dealings with the said Company, shall have recourse against the separate property of any stockholder in the same, except in case of deficiency, or where the joint stock of the said Company shall fall short or not be equal to the payment of any debt, due, or demand against the same, or upon *nulla bona* being returned upon any execution against the goods and chattels of the said Company, then and in either of such cases, the goods and chattels, lands and tenements of each shareholder shall and may be levied upon and seized respectively, to satisfy such debt or demand, to the extent of one half the amount of the share, or shares, or interest of such shareholders in the joint stock of the said Company, but no more; and such amount, or so much as may be necessary to satisfy such debt, due, or demand, shall and may be levied and seized by process of execution in the same suit in which such debt, due, or demand may be recovered against the said Company.

10. The said Company shall have power to levy and collect assessments upon the shares from time to time of such sums of money as may be deemed necessary for carrying on the business of the said Company ; and whenever any assessment shall be made by the stockholders of the said Company, it shall be the duty of the Treasurer to give notice thereof in a Newspaper printed in the City of Saint John, requiring payment of the same within thirty days ; and if any stockholder shall neglect or refuse to pay to the said Treasurer the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent shares for sale at public auction, giving at least thirty days notice of the time and place of such sale ; and all shares upon which the assessment is not then paid, with interest from the time of such assessment became due, shall be sold to the highest bidder, and after retaining the amount of assessment and interest due on each share, and the expense of advertising and selling, the residue (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchaser ; provided always, that no assessment shall be made except by a vote of the stockholders, and by a majority of all the shares.

11. All meetings of the said Company shall be called by public notice being given of the time and place in a Newspaper printed in the City of Saint John, seven days at least before the time of such meeting ; and special meetings may be called by the Secretary, under the authority of the Directors, or by the shareholders representing not less than one thousand shares of stock, upon giving the like notice.

12. It shall and may be lawful to and for the said Company, and their successors, their deputies, agents, servants, workmen, and assistants, and they are hereby authorized and empowered to design, erect, order, and build, or cause to be built, and to complete, maintain, and keep in repair a Suspension Bridge across the River Saint John, at or near the Falls of the said River, near the Harbour of Saint John, from the Parish of Portland to the Parish of Lancaster, at such place there as may be deemed most advisable and fit for such bridge ; and to dig and make proper foundations on the lands and grounds lying on each side of the said river, for the towers, piers, and

abutments of the said bridge ; and to cut and level the banks of the said river in such manner as shall be necessary and proper for building the said bridge ; and to cut, remove, take, and carry away all and every impediment whatsoever, which may in anywise tend to hinder the erecting and completing the said bridge ; and to execute all other things necessary and requisite, useful or convenient for erecting and building, maintaining and supporting the said bridge, according to the tenor and true meaning of this Act ; and further, they may from time to time enter and go in and upon the lands and grounds adjacent to the said Falls of the said river, on either side thereof, for the purpose of making surveys, examinations, or other necessary arrangements for fixing the site of the said bridge ; and further, they may explore, lay out, work, and make a road not more than four rods in width, leading from either end of the said bridge to the highways in the said Parishes respectively ; and further, for the purpose of erecting, building, maintaining, repairing, and supporting the said bridge, the said Company shall from time to time have full power and authority to land on either side of the said river, within two hundred yards of the said bridge, all materials and other things to be used in and about the same, and there to work and use such materials and things according as they the said Company, and the persons to be by them appointed shall think proper, without any previous agreement with the owner or owners, tenant or tenants of the property on which such towers, piers, and abutments shall be built, or in and upon which such surveys, examinations, or other arrangements may be made, or through which such roads may be explored, laid out, worked, and made, or on which such materials and other things shall be landed, worked, or used, doing as little damage as may be, and making such satisfaction as hereinafter mentioned to the respective owners or occupiers of all lands and grounds, tenements, and hereditaments which shall be used and occupied, altered, damaged, spoiled, taken, or made use of by means or for the purposes of this present Act ; provided always, that the under part of the floor of any bridge, (between the abutments thereof) or of any work depending from the same, which may be built by virtue of this Act, shall be at least seventy feet above high water level at spring tides.

13. The said Company shall and may erect and set up, or cause to be erected and set up, one or more gate or gates, turnpike or turnpikes, in, upon, and across the said intended bridge, or within twenty yards thereof, together with toll houses, and proper and necessary buildings, conveniences, and fences near to each gate or turnpike, across the said intended bridge, on the road or avenue immediately communicating therewith, and within twenty yards of the said bridge; and the respective tolls following may be demanded and taken by such person or persons as the said Company shall from time to time appoint at each of the said gates or turnpikes, for each and every time of passing over the said bridge, that is to say :— For every foot passenger, not to exceed two pence; for every horse, mare, gelding, mule, or ass, not to exceed one shilling; for every carriage drawn by one horse or beast of draught, with one person, not to exceed two shillings; for every horse or beast of draught more than one, drawing a carriage, not to exceed six pence; for every person more than one with a carriage, not to exceed two pence; for neat cattle, not to exceed four pence each; for sheep, calves, or hogs, not to exceed one half penny each; provided always, that no toll be exacted from children under five years of age.

14. It shall and may be lawful for the collector or collectors of such tolls, or any of them, to stop and prevent the passage of any person or persons neglecting or refusing to pay the said tolls, or any of them, or of the horse, beast, cattle, carriage, or other thing, for or in respect of which the said tolls ought to be paid; or it shall and may be lawful to and for the said collector or collectors to seize and detain the goods and chattels of such person or persons, or such horse, beast, cattle, carriage, or other thing; and in case the said tolls shall not be fully paid or satisfied, together with all reasonable costs and charges of making, detaining, and keeping such distress, within the space of five days, the said collector or collectors may sell the same, rendering the overplus, (if any) after deducting such costs and charges of making, detaining, and selling of such distress, to the owner or owners thereof.

15. If any dispute shall arise about the amount of tolls due, or the cost and charges of distraining, keeping, or selling any such distress, it shall and may be lawful to and for the col-

lector, or person so distraining, to detain the distress, or the money arising from the sale thereof, until the amount of the tolls, or the charges of distraining, keeping, and selling the said distress, as the case may be, shall be ascertained by some Justice of the Peace for the City and County of Saint John, who, upon application made to him for that purpose, shall examine the said matters upon the oath or oaths of the parties, or other witness or witnesses, and shall determine the amount of tolls due, and shall also assess the charges of such distress and sale, and all other reasonable and incidental costs; all which sum or sums so determined or assessed, shall be paid to the collector before he shall be obliged to return the distress, or the overplus after the sale thereof, or of any part thereof.

16. The said Corporation shall make, allow, and pay reasonable and proper compensation and satisfaction for all lands, tenements, and hereditaments taken, used, occupied, altered, damaged, or spoiled by means of and for the uses and purposes of the said Corporation, to be agreed upon by the said Corporation and the respective owners and occupiers of such lands, tenements, and hereditaments; and in case of disagreement between the said Corporation and the said owners and occupiers, or any of them, then such compensation or satisfaction shall be determined by three arbitrators, one to be chosen by the said Corporation, and one by the owner or owners, occupier or occupiers of the private property in question, which two arbitrators so chosen shall choose the third arbitrator; and in case of their not agreeing in such choice within ten days after their appointment, then and in such case it shall and may be lawful for the Lieutenant Governor or the Administrator of the Government for the time being, upon the application of the said Corporation, to appoint the third arbitrator; and the award of the said arbitrators, or any two of them, shall be final and conclusive in the matters referred to them; and in case any of the said owners or occupiers of such private property shall decline making any such agreement, or appointing such arbitrator, then and in every such case the said Corporation shall make application to the Supreme Court of this Province, stating the grounds of such application; and such Court is hereby empowered and required

from time to time, upon such application, to issue a writ or warrant, directed to the Sheriff of the City and County of Saint John, or in case of his being a party interested, then to the Coroner of the said City and County, and in case of the said Sheriff and the said Coroner being both interested, then to some person or persons who may be disinterested, commanding such Sheriff, Coroner, person or persons, as the case may be, to summon and empanel a jury of five freeholders within the said City and County, who may be altogether disinterested; which jury, upon their oaths, (all which oaths, as well as the oaths to be taken by any person or persons who shall be called upon to give evidence in the matter, the Sheriff, Coroner, or person or persons summoning such jury, is hereby empowered to administer,) shall inquire, ascertain, and assess the distinct sum or sums of money or annual rent to be paid as the amount of compensation and satisfaction for the damages that may and shall be sustained by such owner or owners, occupier or occupiers of such private property as aforesaid; and the inquisition, award, or verdict of such jury shall be returned and filed in the office of the Clerk of the Pleas in the said Supreme Court, and shall be final and conclusive between the parties; which amount so assessed as aforesaid, and the costs and expenses of such proceedings, to be taxed and allowed by the said Supreme Court, shall be borne by the said Corporation, and shall be by them paid within thirty days after the said inquisition, award, or verdict shall be filed as aforesaid.

17. If any person or persons shall wilfully and maliciously, and to the prejudice of the said undertaking, break, damage, throw down, or destroy any of the works to be erected or made by virtue of this Act, any such person shall be adjudged guilty of felony; and every such person so offending, and being thereof lawfully convicted, shall be liable to the punishment prescribed for felony by the laws of this Province.

18. If the said Company shall not within three years from and after the passing of this Act, complete the said Bridge so as to make the same passable for horses and carriages, then and from thenceforth all and singular the powers and authorities vested in them by this Act shall cease and determine to all intents and purposes whatsoever.

19. Provided always, that no toll whatever shall be demanded or taken for any horse, beast, cattle, or carriage of whatever description, employed or to be employed in conveying, fetching, or guarding Mails of Letters and Expresses under the authority of Her Majesty's Postmaster General, or the duly authorized Post Office authorities in this Province, or of the Provincial Government, either when employed in conveying, fetching, or guarding the same; or for any soldiers upon their march, or upon duty, or for any horse, cattle, or carriages attending them with their arms and baggage, or returning after having been so employed; nor for any wagon, cart, or other carriage whatsoever, or the horse or horses, or other cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, Commissariat, or other public stores of or belonging to Her Majesty's Service; and provided also, that no poor or other rates or taxes shall be assessed or levied upon the said Company for or on account of the said bridge and its appurtenances, either in the Parish of Portland or in the Parish of Lancaster.

20. The Directors shall at the general meeting to be holden on the first Tuesday in June in every year, lay before the stockholders for their information, an exact and particular statement of the then state of the affairs and business of the said Company, agreeably to the several regulations of this Act, so as the same may contain a true account of the whole affairs of the said Company; which statement shall be signed by the Directors, and attested by the Secretary, and a duplicate thereof, in like manner signed and attested, shall be transmitted to the Secretary of the Province for the information of the Lieutenant Governor or Administrator of the Government for the time being, and the Honorable Her Majesty's Executive Council; provided always, that the rendering such statement shall not extend to give any right to the stockholders, not being Directors, to inspect the accounts of any individual or individuals in the said Company.

21. If any shareholder shall fail to pay the amount of any assessment made by the said Company, or any part thereof, it shall be lawful for the said Company to sue such shareholder for the amount thereof, or so much thereof as may be and remain due and owing thereon, in any Court of law or equity having competent jurisdiction, and to recover the same with

lawful interest from the day on which such assessment was payable, with costs of suit.

22. In any action or suit to be brought by the said Company against any shareholder to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the said Company to declare that the defendant is the holder of one share or more in the said Company, [*state the number of shares*] and is indebted to the said Company in the sum of money to which the assessment or assessments in arrear shall amount, in respect of one assessment or more upon one share or more, [*state the number and amount of such assessments*] by means of which an action hath accrued to the said Company by virtue of this Act.

23. On the trial or hearing of such action or suit, it shall be sufficient to prove that the defendant at the time of making such assessment was a holder of one share or more in the said undertaking, and that such assessment was in fact made; and it shall not be necessary to prove any other matter whatsoever, and thereupon the said Company shall be entitled to recover what shall be due upon such call, and interest thereon.

24. Whatever may be the divisible profits of the said Suspension Bridge Company, it shall be lawful for Her Majesty's Government, if it shall think fit, subject to the provisions herein contained, at any time after the expiration of twenty one years, to purchase the said Suspension Bridge, with all its hereditaments, stock, and appurtenances, in the name and on the behalf of Her Majesty, upon giving to the said Company three calendar months notice in writing of such intention, and upon payment of a sum equal to twenty five years purchase of the annual divisible profits, estimated on the average of the seven then next preceding years; provided that if the average rate of profits for the said seven years shall be less than the rate of fifteen pounds on the hundred, it shall be lawful for the Company, if they should be of opinion that the said rate of twenty five years purchase of the said average profits is an inadequate rate of purchase of such Suspension Bridge, reference being had to the prospects thereof, to require that it shall be left to arbitration, in case of difference, to determine what (if any) additional amount of purchase money shall be paid to the said Company.

25. Provided always, that nothing herein contained shall be construed to extend to authorize the said Company in the erection of the said bridge or otherwise, to interfere with the free navigation of the River Saint John ; and if at any time hereafter any part of the said bridge, or any of the piers or abutments thereof, or any material or thing connected therewith, should so interfere with the navigation of the said river, it shall be deemed a nuisance.

26. Any bridge erected under this Act shall be constructed of iron wire or chains in all respects of sufficient strength and quality to render it perfectly safe for life and property passing over the same, which bridge shall have a side path for foot passengers of not less than four feet in width on each side of said Bridge, railed off from the road or carriage way, with railings outside of not less than five feet in height, and so constructed as to prevent any passengers falling through said railing ; and such bridge shall not be opened for public conveyance until it shall have been certified to His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by some competent Engineer or Engineers duly appointed by His Excellency the Lieutenant Governor or Administrator of the Government for the time being, that such bridge is in all respects of sufficient strength and materials for the purposes for which the same is intended.

27. It shall be lawful for His Excellency the Lieutenant Governor or the Administrator of the Government for the time being, to appoint a competent Engineer at any time on complaint to him made of any injury or damage to, or any defect whatever in said bridge, whereby it may become dangerous or unsafe for passing over the same, to examine the said bridge ; and if upon a report by said Engineer it shall appear that the bridge is unsafe in any particular, it shall and may be lawful for His Excellency the Lieutenant Governor or the Administrator of the Government for the time being, to cause a Proclamation to be made in the Royal Gazette, prohibiting any intercourse across the said bridge until the same shall have been repaired, renewed, or strengthened, as the case may be, to the satisfaction of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, when and so often as the case may happen during the continuance of this Act, or any renewal thereof.

28. This Act shall not be in force until Her Majesty's Royal assent be thereto had and declared.

[*This Act was specially confirmed, ratified, and finally enacted by an Order of Her Majesty in Council, dated the 29th day of June 1849, and published and declared in this Province the first day of August 1849.*]

15th VICTORIA—CHAPTER 73.

An Act to extend the Act to incorporate the Saint John Suspension Bridge Company.

Section 1.—Time for building extended.

Passed 7th April 1852.

WHEREAS an Act was passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Saint John Suspension Bridge Company*, by which said Act certain persons were incorporated for the purpose of constructing a Suspension Bridge of iron wire across the Falls of the River Saint John, at Split Rock, near the City of Saint John: And whereas by the said Act it is provided, that if the said Company should not within three years from and after the passing of such Act complete the said Bridge, so as to make the same passable for horses and carriages, then the powers and authorities vested in the said Company should cease and determine: And whereas the said period of three years will expire on the fourteenth day of April next, and the said Company have already in part erected the said Bridge, and have provided the materials for completing the same, but have been prevented doing so by the unusual severity of the weather, and may not be able to do so before the said fourteenth day of April next;—

Be it therefore enacted, &c.—1. The Saint John Suspension Bridge Company shall have time granted them for the completion of the Suspension Bridge now in course of erection by them, until the first day of April in the year one thousand eight hundred and fifty three, without incurring any forfeiture or disability whatsoever, and with the full right to all grants, powers, and privileges heretofore conferred or allowed to them in the same manner as if the Suspension Bridge had been completed within the time specified in the Act of Incorporation referred to in the Preamble to this Act.

16th VICTORIA—CHAPTER 62.

An Act to incorporate the North West Bridge Company.

Section.

1. Incorporation of Company.
2. Capital.
3. First meeting for choice of Directors, &c.
4. Annual meeting for.
5. Bye laws.
6. Debts, what liable for.
7. Buildings, &c; bridge where, &c.
8. Compensation for lands, &c.
9. Gates, &c. to be erected, and tolls taken.
10. Crossing bridge, in what manner.

Section.

11. Penalty for evading toll.
12. Penalty for malicious injuries.
13. Mails, &c. free.
14. Statement of affairs, before whom laid.
15. Assessments unpaid, when sued for.
16. Declaration in suit.
17. Proof on trial.
18. Government may take bridge.
19. When bridge to be completed.

Passed 3rd May 1853.

WHEREAS it is proposed to construct a Bridge across the North West Branch of the River Miramichi, on the Great Road between Fredericton and Restigouche : And whereas a Bridge is greatly required and would be highly useful to the public in general, and it is thought advisable to incorporate such persons as may be willing to construct the said Bridge, and grant them all necessary privileges for that purpose, and for maintaining the same ;—

Be it therefore enacted, &c.—1. David Crocker, Richard Hutchison, William Loch, Robinson Crocker, Michael M'Kenrick, Edward R. Whitney, Thomas W. Underhill, John Begnal, Alexander M'Laggan, Peter Mitchell, Daniel Witherall, William A. Black, Edward Williston, Rowland Crocker, Miles M'Millan, William Parker, Allan A. Davidson, Henry B. Allison, George Kerr, Oliver Willard, Thomas Little, and such other persons as shall from time to time become proprietors of shares in the Company hereby established, their successors and assigns, shall be and they are hereby erected into a body politic and corporate, by the name of "The North West Bridge Company," and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly.

2. The capital stock of the said Corporation shall be three thousand pounds, and shall be divided into six hundred shares of five pounds each, to be paid at such times and in such instalments as the business of the Company shall require ; and the Corporation shall when necessary have leave to extend the said capital stock to the sum of four thousand pounds, and shall have power to increase the number of shares accordingly, or assess such increase upon the original shares.

3. The first meeting of the Corporation shall be held in Newcastle on the third Tuesday in July next, and shall be called by David Crocker, or in case of his death, neglect, refusal, or absence, by any five of the Company, by giving notice in the Gleaner Newspaper at least fifteen days previous to such meeting, for the purpose of choosing Directors necessary for the management of the affairs of the Company, which Directors so chosen shall serve until the first annual meeting, or until others are chosen in their stead, and shall have power to manage the concerns of the said Corporation.

4. The annual meeting of the Company shall take place on the third Tuesday in January in each and every year, and shall be held in the Town of Newcastle, for the purpose of choosing seven Directors, and transacting other business as hereinafter provided for ; which Directors so chosen shall remain in office for one year, or until others are chosen in their place, and shall at the first meeting after their election choose one of their number President, also a Secretary, and such other officers as may be necessary to manage the affairs of the said Company ; provided always, that no less than four Directors do form a quorum for the transaction of business, and in case of the absence of the President, the Directors shall have power to appoint one of their number Chairman on the occasion ; and provided also, that in the event of the time of holding the annual meeting being found by the Company inconvenient, the stockholders shall and they are hereby authorized and empowered at any annual meeting to change the time of holding the same.

5. The Company at the first meeting, or some adjournment thereof, shall have power to make bye laws, rules, and ordinances, prescribing the duties, powers, and authorities of the Directors of the said Company, and for regulating the transfer, registry, and forfeiture of shares, and the sale of forfeited shares, also the right of voting in respect to the number of shares held by each shareholder respectively, and for voting either personally or by proxy, and generally for the good order, conduct, and government of the said Company, its affairs and business, as may be requisite and necessary.

6. The joint stock and property of the said Corporation shall alone be responsible for the debts and engagements of the said Company.

7. It shall and may be lawful for the Company, and their successors, officers, and servants, and they are hereby authorized and empowered to design, erect, order, and build or cause to be built, and to complete, maintain, and keep in repair the said bridge across the North West River, between the Point and the lower side of Oxford's Cove, at such place there as may be deemed most advisable and fit for such bridge, and to dig and make proper foundations in the lands and grounds lying on each side of the said river, and to cut and level the banks of the said river in such manner as shall be necessary and proper for building the said bridge; and to cut, remove, take, and carry away all and every impediment whatsoever, which may in anywise tend to hinder the erecting and completing the said bridge; and to execute all other things necessary and requisite, useful or convenient, for erecting, building, maintaining, and supporting the said bridge according to the tenor and effect, true intent and meaning of the said Act; and further, they may from time to time enter and go in and upon the lands and grounds adjacent to the said river, on either side thereof, for the purpose of making surveys, examinations, or other necessary arrangements for fixing the site of the said bridge; and further, they may explore, lay out, and make a road not more than four rods in width, leading from either end of the bridge to the highways in the Parishes of Newcastle, Northesk, or Nelson, respectively; and further, for the purpose of erecting, building, maintaining, repairing, and supporting the said bridge, the said Company shall from time to time have full power and authority to land on either side of the said river within two hundred yards of the said bridge, all materials and other things to be used in and about the same, and there to work and use such materials and things according as they the said Company, and the persons to be by them appointed, shall think proper, without any previous agreement with the owner or owners, tenant or tenants of the property on which such bridge and every part thereof shall be built, or in and upon which such surveys, examinations, or other arrangements may be made, or through which such roads may be explored, laid out, worked, and made, or on which such materials and other things shall be landed, worked, or used, doing as little damage as may be, and making such satisfaction

as hereinafter mentioned to the respective owners or occupiers of all lands and grounds, tenements and hereditaments which shall be and are occupied, altered, damaged, spoiled, taken, or made use of by means or for the purposes of this Act; provided always, that the said Company shall in the erection of the said bridge, erect, build, and complete in a good, substantial, and efficient manner in the said bridge, on the channel side of the said river, a draw not less than thirty feet in width, to be drawn on all occasions when required for the free passage of vessels of every description navigating the said river, without hindrance or impediment from the erection of the said bridge.

8. The said Corporation shall make, allow, and pay reasonable and proper compensation and satisfaction for all lands, tenements, and hereditaments taken and occupied, altered, damaged, or spoiled by means of, and for the uses and purposes of the said Corporation, to be agreed upon by the said Corporation and the respective owners and occupiers of such lands, tenements, and hereditaments; and in case of disagreement between the said Corporation and the said owners and occupiers, or any of them, then such compensation or satisfaction shall be determined by three arbitrators, one to be chosen by the said Corporation, and one by the owner or owners, occupier or occupiers of the private property in question, which two arbitrators so chosen shall choose the third arbitrator; and in case of their not agreeing in such choice within ten days after their appointment, then and in such case it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, upon the application of the said Corporation, to appoint the third arbitrator, and the award of the said arbitrators, or any two of them, shall be final and conclusive in the matters referred to them; and in case any of the said owners or occupiers of such private lands shall decline making any such agreement, or appointing such arbitrator, then and in every such case the said Corporation shall make application to the Supreme Court of this Province, or some Judge thereof, stating the grounds of such application; and such Court or Judge is hereby empowered and required from time to time, upon such application, to issue a writ or warrant directed to the Sheriff of the County in which such lands lie, or in case of his being a party interested, then to any

Coroner of such County not interested, and in case of the said Sheriff and Coroner being both interested, then to some other person or persons who may be disinterested, commanding such Sheriff, Coroner, person or persons, as the case may be, to summon and empanel a jury of five freeholders within the said County, who may be altogether disinterested, which jury upon their oaths, (all which oaths, as well as the oaths to be taken by any person or persons who shall be called upon to give evidence in the matter, the Sheriff, Coroner, or person or persons summoning such jury, is hereby empowered to administer) shall inquire, ascertain, and assess the distinct sum or sums of money or annual rent to be paid as the amount of compensation and satisfaction for the damages that may and shall be sustained by such owner or owners, occupier or occupiers of such private property as aforesaid; and the award, inquisition, or verdict of such jury shall be retained and filed in the office of the Clerk of the Pleas in the said Supreme Court, and shall be final and conclusive between the parties; which amount so assessed as aforesaid, and the costs and expenses of such proceedings to be taxed and allowed by the said Supreme Court, or one of the Judges thereof, shall be borne by the said Corporation, and shall be by them paid within thirty days after the said inquisition, award, or verdict shall be filed as aforesaid.

9. The said Company shall erect and set up, or cause to be erected and set up, one or more gate or gates, turnpike or turnpikes, in, upon, and across the said intended bridge, or within twenty yards thereof, together with toll houses and proper necessary buildings, conveniences, and fences near to each gate or turnpike across the said intended bridge, or on the road or avenue immediately communicating therewith, and within twenty yards of the said bridge; and the respective tolls following may be demanded and taken by such person or persons as the said Company shall from time to time appoint as toll gatherer, for each and every time of passing over the said bridge, that is to say:—For every foot passenger, not to exceed four pence; for every horse, mare, gelding, mule, or ass, not exceeding four pence; for every carriage drawn by one horse or beast of draught, with one person, not to exceed one shilling; for every horse or beast of draught more than

one, drawing a carriage, not to exceed four pence ; for every person more than one, with a carriage, not to exceed four pence ; for neat cattle, not to exceed two pence each ; for sheep, calves, or hogs, not to exceed one half penny each ; provided always, that no toll be exacted from children under five years of age ; and the Company shall at all times by their bye laws regulate, alter, and lessen the rate of tolls, when deemed advisable for the interest of the Company, but in no case exceed the rates herein specified ; and at all times when the toll gatherer shall not attend to his duty, the gate or gates shall be left open ; and the toll shall be collected in such manner as may be prescribed by the said Corporation ; the rates of toll shall be fairly and legibly printed in large letters, and kept constantly exposed to the view of passengers.

10. No horse or other beast, or carriage of any kind, shall be taken, rode, or driven over the said bridge at a faster pace than a walk, on pain of a forfeiture of twenty shillings for each and every offence, to be recovered with costs of prosecution against the owner or driver of such horse or other beast, before any Justice of the Peace of the County, on the complaint of the toll gatherer or any proprietor of stock in the said Company, on proof of the toll gatherer, who is hereby declared to be a competent witness, or any other legal proof ; the amount when recovered, to be applied to the use of the said Corporation.

11. Any person who shall run, or evade the payment of toll from crossing the said bridge, shall forfeit and pay for the use of the said Corporation, the sum of ten shillings for each and every offence, to be recovered, together with the toll and costs of suit, as is directed in the last preceding Section of this Act.

12. If any person shall wilfully and maliciously, and to the prejudice of the said undertaking, break, damage, throw down, or destroy any of the works to be erected or made by virtue of this Act, any such person shall be adjudged guilty of felony ; and every such person so offending, and being thereof lawfully convicted, shall be liable to the punishment prescribed for felony by the laws of this Province.

13. No toll whatever shall be demanded or taken for any horse, beast, cattle, or carriage of whatever description, employed or to be employed in conveying, fetching, or guarding

Mails of Letters and Expresses, under the authority of Her Majesty's Postmaster General, or the duly authorized Post Office authorities in this Province, or of the Provincial Government, either when employed in conveying, fetching, or guarding the same; or for any soldiers upon their march, or upon duty, or for any horse, cattle, or carriages attending them with their arms and baggage, or returning after having been so employed, nor for any wagon, cart, or other carriage whatsoever, or the horse or horses, or other cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, Commissariat, or other public stores, of or belonging to Her Majesty's service; and no poor, or other rates or taxes, shall be assessed or levied upon the said Company, for or on account of the said bridge and its appurtenances.

14. The Directors shall at the general annual meeting of the Company in each and every year, lay before the stockholders for their information, an exact and particular statement of the state of the affairs and business of the said Company, agreeably to the several regulations of this Act, so as the same may contain a true account of the whole affairs of the said Company; which statement shall be signed by the Directors, and attested by the Secretary.

15. If any shareholder shall fail to pay the amount of any assessment made by the said Company, or any part thereof, it shall be lawful for the said Company to sue such shareholder for the amount thereof, or so much thereof as may be and remain due and owing thereon, in any Court of law or equity having competent jurisdiction, and to recover the same, with lawful interest, from the day on which such assessment was payable, with costs of suit.

16. In any action or suit to be brought by the said Company against any shareholder to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the said Company to declare that the defendant is the holder of one or more shares in the said Company, [*state the number of shares*] and is indebted to the said Company in the sum of money to which the assessment or assessments in arrear shall amount, in respect of one assessment or more upon one share or more, [*state the number and amount of such assessments*] by means of which an action hath accrued to the said Company by virtue of this Act.

17. On the trial or hearing of such action or suit, it shall be sufficient to prove that the defendant, at the time of making such assessment, was a holder of one share or more in the said undertaking, and that such assessment was in fact made, and it shall not be necessary to prove any other matter whatsoever, and thereupon the said Company shall be entitled to recover what shall be due upon such call, and interest thereon.

18. Should the Provincial Government, at any time after the passing of this Act, be willing and desirous of assuming the said bridge, and placing the same upon the great road establishment of the Province, for the free passage of all Her Majesty's subjects, and pay to the said Corporation the whole costs and outlay in and about its erection and maintenance, then and in such case the said Corporation shall yield and surrender up to the said Provincial Government the said bridge, with all things appertaining thereto, together with this Act, and such Corporation, from that time, shall cease and have no longer any existence.

19. If the said Company shall not within three years from and after the passing of this Act, complete the said bridge, or so as to make the same passable for horses and carriages, then and from thenceforth all and singular the powers and authorities vested in them by this Act shall cease and determine to all intents and purposes whatsoever.

16th VICTORIA—CHAPTER 63.

An Act to incorporate the Courtney Bay Bridge Company.

Section.

1. Incorporation of Company.
2. Capital.
3. First meeting to choose Directors.
4. Officers, how chosen.
5. General annual meeting.
6. Qualification of Directors.
7. Stockholders' votes.
8. Shares assignable.
9. Vacancies, how filled up.
10. Debts, who liable for.
11. Assessment on shares.
12. Meetings, how called.
13. Bridge or roadway to be carried across, and land may be taken.

Section.

14. Gates and tolls.
15. What may be prevented from crossing bridge.
16. Disputes as to tolls, &c.
17. Compensation made for land taken.
18. Fees and damages.
19. Penalty for injuries.
20. Mail, &c., taken free.
21. Statement of affairs, &c.
22. Assessment, when not paid.
23. Declaration in suit.
24. Proof on trial.
25. Plan, &c., where deposited.
26. When Act may be void.

Passed 3rd May 1853.

WHEREAS it is proposed to construct a Bridge across the Sand Flats of Courtney Bay, in the City and County of Saint

John, from some place or point in the said City fronting on the said Bay, across the same to some place or point on the opposite side, in the Parish of Simonds : And whereas such Bridge would be highly useful to the public in general, and it is thought advisable to incorporate such persons as may be willing at their own costs and charges to construct the said Bridge, and grant them all necessary privileges for maintaining the same ;—

Be it therefore enacted, &c.—1. Henry Chubb, Isaac Woodward, Thomas M'Avity, William Hawkes, Thomas Davidson, William O. Smith, John M. Robinson, Gregory Vanhorne, John M. Walker, George V. Nowlin, their associates, successors, and assigns, shall be and they are hereby erected into a body politic and corporate, by the name of "The Courtney Bay Bridge Company," and by that name shall have all the general powers and privileges made incident to a Corporation by any Act or Acts of Assembly.

2. The capital stock of the Company shall be twenty thousand pounds, and shall be divided into four thousand shares of five pounds each, to be paid in at such times and in such instalments as the business of the Company shall require ; and the Company shall also when necessary have leave to extend the capital stock to forty thousand pounds, and to increase the number of shares accordingly, or to assess such increase upon the original number of shares.

3. The first meeting of the Corporation shall be held at the City of Saint John, and shall be called by Henry Chubb, Esquire, or in case of his death, neglect, or refusal, by any two of the persons named in the first Section, by giving notice in one or more of the public Newspapers printed in the City, at least twenty days previous to such meeting, for the purpose of establishing bye laws and choosing five Directors for the management of the affairs of the Company ; which Directors shall serve until the first annual meeting, or until others are chosen in their stead, and shall have full power and authority to manage the concerns of the Company, subject to the provisions hereinafter contained.

4. The Directors when chosen shall as soon as convenient, choose out of their number a President, and shall have power from time to time to appoint all such officers, servants, agents,

and other persons as they shall think fit for executing and carrying on the business of the Company, and to remove them or any of them at pleasure, and appoint others in their stead.

5. A general meeting of the stockholders of the Company shall be held at the City of Saint John on the first Tuesday in October in every year, for the purpose of choosing five Directors, who shall remain in office for one year, or until others are chosen in their place ; provided that not less than three Directors do form a quorum for the transaction of business ; and in case of the absence of the President, the Directors shall appoint one of their number Chairman for the occasion.

6. No person shall be eligible as a Director unless such person is a stockholder, and holds not less than twenty shares of the stock, and is of the full age of twenty one years.

7. The stockholders in the said Company shall vote according to the following scale :—For one share and not more than two, one vote ; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares ; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares ; for every five shares above thirty and not exceeding sixty, one vote, making sixteen votes for sixty shares ; and for every ten shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares ; which said number of twenty votes shall be the greatest that any shareholder shall be entitled to give ; and absent stockholders may vote by proxy, provided such proxy be a stockholder, and produce sufficient authority in writing.

8. The shares of the Company shall be assignable and transferable, according to such rules and regulations as may be established by the Directors in that behalf ; but no assignment or transfer shall be valid unless it shall be entered in a book to be kept by the Directors for such purpose ; and in no case shall a fractional part of a share, or other than a complete share or shares be assignable or transferable, and whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company, he shall cease to be a member thereof.

9. If it should happen that the Directors should not be chosen on the said first Tuesday in October in any year as aforesaid, it shall be lawful to choose them on any other day,

on giving fourteen days notice of the time and place of a meeting to be held for such purpose, in one or more of the public Newspapers of the City ; and in case of any vacancy among the Directors, then the Directors may fill up the same by choosing one of the stockholders, who shall serve until another is chosen in his room.

10. The joint stock and property of the Company shall alone in the first instance be responsible for its debts and engagements, and no creditor or person having any demand against the Company on account of any dealings, shall have recourse against the separate property of any stockholder in the same, except in case of deficiency, or when the joint stock of the Company shall fall short or not be equal to the payment of any debt or demand against the same, or upon *nulla bona* being returned upon any execution against the goods and chattels of the Company, then and in either of such cases, the goods, chattels, lands, and tenements of each shareholder, shall and may be levied upon and seized respectively to satisfy such debt or demand, to the extent of one half the amount of the share, or shares, or interest of such shareholders in the joint stock of the said Company, but no more ; and such amount, or so much as may be necessary to satisfy such debt or demand, shall and may be levied and seized by process of execution in the same suit in which such debt or demand may be recovered against the Company.

11. The Company shall have power to levy and collect assessments upon the shares from time to time, of such sums of money as may be deemed necessary for carrying on the business of the Company ; and whenever any assessment shall be made by the stockholders, it shall be the duty of the President to give notice thereof in one of the public Newspapers of the City, requiring payment of the same within thirty days, at the office or place of business of the Company ; and in case of non-payment, the delinquent shares may be sold at public auction to the highest bidder, and after retaining the amount of assessment and interest on each share, and all expenses, the residue (if any) shall be paid over to the former owner ; provided always, that no assessment shall be made except by a vote of the stockholders, and by a majority of all the shares.

12. All meetings of the stockholders shall be called by seven

days at least public notice being given of the time and place in one of the public Newspapers of the City ; and special meetings may be called by the President under the authority of the Directors, or by shareholders representing not less than one thousand shares, upon giving the like notice.

13. It shall be lawful for the Company and their successors, deputies, agents, servants, workmen, and assistants, and they are hereby authorized and empowered to design, erect, order, and build, or cause to be built, and to complete, maintain, and keep in repair, a bridge or roadway of such design, form, materials, dimensions, and construction as they shall think fit, across the sand flats of Courtney Bay aforesaid, from the City of Saint John to the Parish of Simonds, and at and from and to such points and places in the said City and Parish as they may deem most advisable and fit for such bridge or roadway, and to dig and make proper foundations and works on the lands and grounds lying on each side of the said Bay, for the towers, piers, abutments, and other purposes of the bridge or roadway, and to cut and level the said lands and grounds as may be necessary, and to cut, remove, and take away any impediment or obstruction which may in anywise tend to hinder the erecting and completing the bridge ; and without any previous agreement with the owner or owners, tenant or tenants, occupier or occupiers thereof, to enter upon, use, occupy, and appropriate so much of the said flats, lands, and grounds as may be required for the site, construction, and purposes of the said bridge or roadway, and to lay out, explore, survey, and establish the line, course, and position thereof, through and across the said flats, and also to connect the same by suitable roadways to the streets of the City, and the roads and highways of the said Parish of Simonds, on either side of the said Bay, and to execute all other things necessary and requisite, useful, or convenient for erecting, building, maintaining, and supporting the said bridge or roadway, according to the true intent and meaning of this Act, making such satisfaction nevertheless, as is hereinafter mentioned, to the respective owners or occupiers of all lands, grounds, tenements, and hereditaments which shall be used, occupied, taken, or appropriated by means or for the purposes of this Act ; provided always, that in case it may be deemed

necessary for the purposes of this Act to use, occupy, or enter upon any common lands of the City, or premises belonging to the Mayor, Aldermen, and Commonalty of the City of Saint John, the previous consent and agreement of the said Mayor, Aldermen, and Commonalty of the City of Saint John shall be had and obtained, and testified by some deed or instrument under their Common Seal; and provided also, that a sufficient draw or other means shall be placed and maintained in the said bridge or roadway to allow access to ships and vessels up and down the Creek, running through the sand flats into the Harbour, at all suitable and reasonable times, and under proper regulations.

14. The Company shall and may erect and set up one or more gate or gates, turnpike or turnpikes, in, upon, and across the said intended bridge or roadway, or within twenty yards thereof, together with toll houses and necessary buildings, conveniences, and fences, near to each gate or turnpike across the said bridge or roadway, or the street, road, or avenue immediately communicating therewith; and the respective tolls following may be demanded and taken by such person or persons as the Company may appoint, for each and every time of passing over or upon the said bridge or roadway, that is to say:—For every foot passenger, not to exceed two pence; for every horse, mare, gelding, mule, or ass, not to exceed one shilling; for every carriage drawn by one horse or beast of draught, with one person, not to exceed two shillings; for every horse or beast of draught more than one, drawing a carriage, not to exceed six pence; for every person more than one with a carriage, not to exceed two pence; for neat cattle, not to exceed four pence each; for sheep, calves, or hogs, not to exceed one half penny each; children under five years of age to pass free.

15. It shall be lawful for any collector of tolls to stop and prevent the passage of any person neglecting or refusing to pay the said tolls, or any of them, or of the horse, beast, cattle, carriage, or other thing, for or in respect of which the said tolls ought to be paid; and it shall be lawful for any such collector to seize and detain the goods and chattels of such person, or such horse, beast, cattle, carriage, or other thing; and in case the tolls shall not be fully paid or satisfied, with all reasonable

costs and charges of making, detaining, and keeping such distress, within five days, the collector may sell the same, rendering the overplus (if any) after deducting such costs and charges of making, detaining, and selling such distress, to the owner thereof.

16. If any dispute shall arise respecting the amount of tolls due, or the amount of such costs and charges, the collector or person distraining may detain the distress, or the money arising from the sale thereof, until the amount shall be ascertained by some Justice of the Peace of the City and County of Saint John, who on application shall examine the matter on the oath or oaths of the parties, or other parties, and shall determine the amount of tolls, costs, and charges due, which amount shall be paid to the collector before he shall be obliged to return the distress, or the overplus after sale.

17. The Company shall make, and allow, and pay reasonable and proper compensation and satisfaction for all lands, tenements, and hereditaments taken, used, occupied, or appropriated for the purposes of this Act; and in case no agreement can be made by the Company and the respective owners of such lands, tenements, and hereditaments, the Mayor of the City, or should he be a stockholder in the said Company, then and in such case any Judge of the Supreme Court, shall issue a warrant to the Sheriff of the City and County of Saint John, or in case of his being a party interested, then to the Coroner of the said City and County, and in case of his being interested, then to some person who may be disinterested, requiring him to summon a jury of twelve disinterested freeholders of the City and County, who shall set and appraise the damages sustained by such owner, on oath of the said jurors, and any witness or witnesses, to be administered by such Sheriff, Coroner, or other person, and the jury shall also inquire and return in their verdict who are the owner or owners to whom such value and damage shall be paid.

18. The Sheriff, Coroner, or other person, as the case may be, in holding such inquiry, shall be entitled to the same fees and invested with the same jurisdiction, powers, and authority as such Sheriff would have in executing any writ of inquiry of the Supreme Court; and the jury shall be authorized in assessing the damages, to take into consideration the advantages

which may accrue to such owner by the erection and establishment of the bridge, in diminution of such damages; and the amount assessed shall be returned with the name or names of the owner or owners as aforesaid, and the inquisition, award, or verdict of the jury shall be filed in the office of the Clerk of the Peace of the City and County, and shall be final and conclusive between the parties; and the amount so assessed shall be borne by the Company and shall be paid by them within three months after the said inquisition, award, or verdict shall be filed as aforesaid.

19. If any person shall wilfully and maliciously break, damage, injure, throw down, or destroy any of the works or materials of the Company, he shall be adjudged guilty of felony.

20. No toll whatever shall be demanded or taken for any horse, beast, cattle, or carriage employed in respect of the Mails, or for any soldier on duty, or for any horse, cattle, or carriages attending them with their arms or baggage, or employed in the service of the Ordnance, Barrack, or Commissariat Departments; and no rates or taxes for public charges shall be assessed or levied on the Company in respect of the bridge either in the City of Saint John or in the Parish of Simonds.

21. The Directors shall at every general annual meeting lay before the stockholders an exact and particular statement of the then state of the affairs and business, which statement shall be signed by the Directors or the major part of them, and a duplicate thereof shall be transmitted to the Provincial Secretary for the information of the Government.

22. If any shareholder shall fail to pay the amount of any assessment made by the said Company, or any part thereof, it shall be lawful for the Company to sue such shareholder for the amount in any Court of law or equity having jurisdiction, and to recover the same with interest and costs.

23. In any such action it shall be sufficient for the Company to declare that the defendant is the holder of one share or more in the said Company, [*state the number of shares*] and is indebted to the Company in the sum to which the assessment or assessments in arrear shall amount, in respect of one assessment or more upon one share or more [*state the number and amount of such assessments*] by means of which an action hath accrued to the Company by virtue of this Act.

24. On the trial or hearing, it shall be sufficient to prove that the defendant, at the time of making such assessment, was a holder of one share or more in the said undertaking, and that such assessment was in fact made, and it shall not be necessary to prove any other matter whatsoever, and thereupon the Company shall be entitled to recover what shall be due upon such call, with interest and costs.

25. A plan and fully detailed description of the site and position of the road to be built under this Act, shall be filed in the offices of the Provincial Secretary and of the Common Clerk of the City of Saint John; and the site and position so selected shall be subject to the approval of the Lieutenant Governor in Council.

26. Unless at least ten per cent. of the capital stock of the said Company be paid in to the Treasurer of the said Company, and the work commenced according to the plan as herein specified to be filed, and as sanctioned by the Governor and Council, within three years, and fully completed within five years from the passing of this Act, then this Act shall be null and void.

MINING COMPANIES.

10th VICTORIA—CHAPTER 73.

An Act to incorporate the York and Carleton Mining Company.

Section.

1. Incorporation of Company.
2. First meeting, where held.
3. Capital, &c.
4. Debts, for what liable.

Section.

5. Shareholders liable, to whom.
6. Increase of capital.
7. Shares may be assessed, &c.
8. Act, when may terminate.

Passed 14th April 1847.

WHEREAS the efficient opening and working of Mines in the Counties of York and Carleton will be highly advantageous to the Province: And whereas the amount of capital necessary to be invested in such an undertaking renders it essential that the Company engaged therein should be incorporated;—

Be it therefore enacted, &c.—1. Lemuel Allan Wilmot, James Tibbits, Robert D. Wilmot, William Stevens, and Charles Fisher, their associates, successors, and assigns, shall be and they are hereby erected into a Company, and declared to be a body politic and corporate, by the name of “The York and Carleton Mining Company,” and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of opening and working of Mines in the Counties of York and Carleton, and establishing all necessary works therewith connected, and for the convenient carrying on and managing the same.

2. The first meeting of the said Corporation shall be held at Fredericton, in the County of York, and shall be called by any one member of the said Company, by giving at least twenty days notice in the Royal Gazette published in this Province previous to such meeting.

3. The capital stock of the said Corporation shall consist of the sum of thirty thousand pounds, to be paid in such money as shall at the time of the several payments hereinafter expressed be a legal tender in this Province, fifteen per centum of the said capital stock to be paid in before the said Corporation shall be entitled to purchase any property, real or personal, or incur any debts, and the remainder of the said stock to be paid at such time and times, and in such parts or portions as the business of the Company shall from time to time require,

the whole amount of such capital stock to be divided into twelve hundred shares of twenty five pounds each.

4. The joint stock and property of the Company shall alone in the first instance be responsible for the debts and engagements of the said Company ; and no creditors, or person or persons having any demand against the said Company, for or on account of any dealings with the said Company, shall have recourse against the separate property of any shareholder on account thereof, except in case of deficiency, or where the joint stock of the said Company shall fall short of or not be equal to the payment of any debt, due, or demand against the same, then and in such case the goods and chattels, lands and tenements of each shareholder, shall and may be levied upon and seized respectively to satisfy such debt or demand, to the extent of double the amount of the share, or shares, or interest of such shareholder in the joint stock of the said Company, but no more ; and such double amount, or so much as may be necessary to satisfy such debt, due, or demand, shall and may be levied and seized by process of execution in the same suit in which such debt, due, or demand may be recovered against the said Company.

5. Each and every shareholder in the said Corporation shall be held liable to the said Company for each and every call or assessment made, (not however to exceed in amount the stock so subscribed for) for the purpose of enabling the said Company to pay the debts and engagements of the said Corporation, or to carry on the operations for which the said Company is incorporated, and shall and may be sued for by the said Corporation, and recovered in any Court of Record within the Province.

6. So soon as the said capital stock shall have been paid in and expended for the purposes of this Corporation, it shall and may be lawful for the said stockholders, at any general meeting to be for that purpose called, to increase the said capital stock from time to time, in such sums as they may deem expedient, to a sum not exceeding one hundred thousand pounds, and they shall have power from time to time to increase the number of shares accordingly, or from time to time to assess such increase upon the original number of shares, or to increase the capital by both assessments upon and increase of shares.

7. The said Company shall have power to levy and collect assessments upon the shares from time to time, of such sums of money as may be deemed necessary for carrying on the business of the said Company, and whenever any assessment shall be made by the stockholders of the Company, it shall be the duty of the Treasurer to give notice thereof in a Newspaper printed and published in this Province, and also in the Royal Gazette, requiring payment of the same within thirty days; and if any stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent shares for sale at public auction, giving at least thirty days notice of the time and place of such sale; and all shares upon which the assessment is not then paid, with interest from the time such assessment became due, shall be sold to the highest bidder; and after retaining the amount of such assessment and interest due on each share, and the expense of advertising and selling, the residue (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchaser; provided always, that no assessment shall be made except by a vote of the stockholders, and a majority of all the shares.

8. Unless fifteen per centum of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment made and verified on oath by the Directors of the said Corporation, or a majority of them, (which oath any Justice of the Peace is hereby authorized to administer) shall be filed in the Office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said three years.

12th VICTORIA—CHAPTER 57.

An Act to facilitate the operations of the York and Carleton Mining Company.

Section.

1. What lease may be cancelled, &c.
2. What duty reserved.

Section.

3. Sum granted for what.
4. Act when to be in force.

Passed 14th April 1849.

WHEREAS the York and Carleton Mining Company have invested a large sum of money in commencing and carrying on their operations in the manufacture of Iron in the County of Carleton, and have, by Petition to the Legislature, prayed that their present Lease for twenty five years may be extended to the term of ninety nine years, and that the present reservation of five per centum on the value of the Ore raised may be commuted into a fixed duty of one penny per ton on the Iron smelted, and that such other encouragement may be extended as may be deemed just : And whereas it is considered advisable to afford every encouragement to the said Company in the prosecution of their important enterprise ;—

Be it therefore enacted, &c.—1. From and after the passing of this Act, it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to revoke, cancel, and annul the present lease, and to issue a new lease in lieu thereof, for the term of ninety nine years, to commence at and from the date of the former lease.

2. It shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent aforesaid, to reserve in the said lease a duty of one penny per ton on the iron smelted by the said Company, in lieu of the duty of five per centum now reserved in the present lease.

3. And for the further encouragement of the said Company, there be granted to His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one thousand five hundred pounds, to be applied towards the purchase of ten thousand acres of wilderness lands by the said Company, situated on the northeastern side of the River Saint John, in the said County of Carleton, to be selected by and surveyed at the expense of the said Company ; and the said money shall be applied as aforesaid, whenever it shall be made to appear to His Excellency the Lieutenant Governor or Administrator of the Government for the time being, that the said Company have smelted at least three hundred tons of Pig Iron at their Works in the said County of Carleton.

4. This Act shall not come into operation or be in force until the first day of September next.

15th VICTORIA—CHAPTER 87.

An Act to incorporate the Albert Mining Company.

Section.

1. Incorporation of Company.
2. First meeting, when and where held.
3. Capital.
4. Debts, &c., who responsible.
5. Shareholders, to what liable.
6. Increase of capital.

Section.

7. Assessments for shares.
8. Entry of private property, when allowed.
9. Certificate to be filed.
10. Suits not compromised.
11. Entry on property limited, &c.

Passed 7th April 1852.

WHEREAS a Joint Stock Company has been formed for the purpose of opening and working Mines in the County of Albert, who have expended a large sum of money in mining operations, and in the purchase of lands, erection of buildings, and making other improvements in connection therewith : And whereas the better to enable the said Company to prosecute the said business, it is deemed advisable it should be incorporated ;—

Be it enacted, &c.—1. Edward Allison, Jonathan C. Allison, David Allison, William Cairns, John Cairns, Alexander Wright, Nathaniel Gould, and James Dowie, their associates, successors, and assigns, shall be and they are hereby erected into a Company, and declared to be a body politic and corporate, by the name of “The Albert Mining Company,” and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of opening and working Mines in the County of Albert, and establishing all necessary works connected therewith, and for the convenient carrying on and managing the same.

2. The first meeting of the said Corporation, for the organization thereof, shall be held at Hillsborough, in the County of Albert, after fifteen days notice given in the Royal Gazette by one member of the said Corporation ; provided that the corporate powers shall not be deemed to be conferred upon said Company until a majority of members present at a meeting called as aforesaid shall determine to accept this Charter.

3. The capital stock of the said Corporation shall consist of the sum of thirty thousand pounds of lawful money, to be paid at such times and in such portions as the business of the Company may from time to time require, and to be divided into twelve hundred shares of twenty five pounds each.

4. The joint stock and property of the Company shall alone in the first instance be responsible for the debts and engagements of the said Company ; and no creditor, or person or persons having any demand against the said Company, for or on account of any dealings with the said Company, shall have recourse against the separate property of any shareholder on account thereof, except in case of deficiency, or when the joint stock of the said Company shall fall short or not be equal to the payment of any debt, due, or demand against the same, then and in such case the goods and chattels, lands and tenements of each shareholder, shall and may be levied upon and seized respectively to satisfy such debt or demand, to the extent of double the amount of the share, or shares, or interest of such shareholder in the joint stock of the said Company, but no more.

5. Each and every shareholder in the said Corporation shall be held liable to the said Company for each and every call or assessment made, (not however to exceed in amount the stock so subscribed for) for the purpose of enabling the said Company to pay the debts and engagements of the said Corporation, or to carry on the operations for which the said Company is incorporated, and shall and may be sued for by the said Corporation, and recovered in any Court of Record within the Province.

6. So soon as the capital stock shall have been paid in and expended for the purposes of this Corporation, it shall and may be lawful for the said stockholders, at any general meeting to be for that purpose called, to increase the said capital stock from time to time, in such sums as they may deem expedient, to a sum not exceeding one hundred thousand pounds, and they shall have power from time to time to increase the number of shares accordingly, or from time to time to assess such increase upon the original number of shares, or to increase the capital by both assessments and increase of shares.

7. The Company shall have power to levy and collect assessments upon the shares from time to time, of such sums of money as may be deemed necessary for carrying on the business of the said Company ; and whenever any assessment shall be made by the stockholders of the Company, it shall be the duty of the Treasurer to give notice thereof in a Newspaper printed

and published in this Province, and also in the Royal Gazette, requiring payment of the same within thirty days ; and if any stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent shares for sale at public auction, giving at least thirty days notice of the time and place of such sale ; and all shares upon which the assessment is not then paid, with interest from the time such assessment became due, shall be sold to the highest bidder, and after retaining the amount of such assessment and interest due on each share, and the expense of advertising and selling, the residue (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchaser ; provided always, that no assessment shall be made except by a vote of the stockholders, and a majority of all the shares.

8. If at any time it shall be deemed necessary by the said Corporation, their agents, or servants, to enter upon the estate, lands, or grounds, being the private property of any person or persons, for the purpose of carrying on their mining operations, they shall allow to the owners of such lands such reasonable compensation, by way of rent or otherwise, as may be agreed upon, for the damages such owner may sustain by reason thereof, and if the said Corporation shall not be able to agree with such owner or owners of the soil, as to the amount to be paid to the said owner or owners, for the damages he or they may sustain in consequence of such mining operations being carried on upon his or their land, then such compensation and satisfaction shall be determined by three disinterested arbitrators, one to be chosen by the said Corporation, and one by the owner or owners, occupier or occupiers of the private property in question, which two arbitrators so chosen shall choose a third arbitrator, and in case of their not agreeing in such choice within ten days after their appointment, then and in such case it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, upon the application of the said Corporation, to appoint the third arbitrator ; and the award of the said arbitrators, or any two of them, shall be final and conclusive in the matters referred to them ; and in case any of the owners or occupiers of such

private property shall decline making any such agreement or appointing such arbitrator, then and in every such case the said Corporation shall make application to the Supreme Court, or any Judge thereof, stating the grounds of such application, and such Court or Judge is hereby required from time to time, upon such application, to issue a writ or warrant in such form as the said Court or Judge may prescribe, to the Sheriff of the County of Albert, or in case he is interested, then to one of the Coroners of the said County, and in case the Sheriff and Coroners are all interested, then to some person or persons, commanding such Sheriff, Coroner, person or persons, as the case may be, to summon and empanel a jury of five freeholders within the said County, who may be altogether disinterested, and do not reside within ten miles of the land in question, which jury upon their oaths, (all which oaths, as well as the oaths to be taken by any person or persons who shall be called to give evidence in the matter, the Sheriff, Coroner, or person or persons summoning such jury, is hereby empowered to administer) shall inquire, ascertain, and assess the distinct sum or sums of money or annual rent to be paid as the amount of compensation and satisfaction for the damages that may and shall be sustained by such owner or owners, occupier or occupiers of such private property as aforesaid; and the inquisition, award, or verdict of such jury shall be returned and filed in the office of the Clerk of the Pleas of the said Supreme Court, shall be final and conclusive between the parties; which amount so assessed as aforesaid, and the costs and expenses of such proceeding to be taxed and allowed by the said Supreme Court, shall be borne by the said Corporation, and shall be paid within thirty days after the said inquisition, award, or verdict shall be filed as aforesaid, and until such payment shall be made the said Corporation shall not be entitled to enter upon the said land; and in case an annual rent shall be awarded, unless such rent is paid within thirty days after it falls due, the power to enter under the said award shall be deemed to be annulled and discontinued.

9. Before the said Corporation shall contract any debts, a certificate shall be filed in the Office of the Secretary of the Province, verified by the oath of the Secretary or other principal officer of the Corporation, which oath any Justice of the

Peace is hereby authorized to administer, to the effect that the sum of eight thousand pounds has been actually paid and expended for the purposes of the said Company, and unless such certificate be filed in manner herein directed, within three calendar months after the acceptance of this Charter, the corporate powers hereby conferred shall cease and become of no effect.

10. Nothing in this Act contained shall be construed to interfere with or compromise in any way the rights of the respective parties between whom suits are now pending, for any matter, cause, or thing which has happened or been committed before the passing of this Act, any thing herein contained to the contrary notwithstanding.

11. Notwithstanding the provisions of the eighth Section of this Act, the power and authority and provision contained in the said Section, to enable the said Corporation to enter upon private property, shall only be deemed and taken to extend to the tract of wilderness land of one mile square, comprised in the Lease or Licence from the Crown made under the Great Seal of this Province to Peter Duffy and John Duffy, bearing date the eleventh day of January one thousand eight hundred and fifty, and registered in the Office of the Secretary and Register of this Province on the twelfth day of January one thousand eight hundred and fifty; nor shall this Act come into operation or be in force until Her Majesty's Royal approbation be thereto first had and declared.

[This Act was specially confirmed, ratified, and finally enacted by an Order of Her Majesty in Council, dated the 16th day of October 1852, and published and declared in this Province the 17th day of November 1852.]

17th VICTORIA—CHAPTER 64.

An Act to incorporate the Asphalte Mining and Kerosene Gas Company.

Section.

1. Corporation, how constituted.

Section.

2. Office for business, where to be kept.

Passed 1st May 1854.

WHEREAS Theophylait Southerwaite, Eugene Legal, William B. Deen, Horatio Eagle, Frederick W. Cooledge, Laurent Delmonico, and others, have formed themselves into a joint stock Company in New York, in the United States of America,

under the title of "The Asphalte Mining and Kerosene Gas Company," for the purpose of mining asphaltum, asphalte rock, and other minerals, the manufacture of illuminating gas, burning fluids, &c., and for the manufacture of mastics, cements, and hydraulic concretes ;—

Be it enacted, &c.—1. The persons so formed into a joint stock Company in New York, in the United States of America, as set forth in the Preamble to this Act, are hereby declared to be incorporated under the style of "The Asphalte Mining and Kerosene Gas Company," and shall have all the powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of mining asphaltum, asphalte rock, and other minerals, the manufacture of illuminating gas, burning fluids, &c., and for the manufacture of mastics, cements, and hydraulic concretes.

2. The said Company shall keep an office at Dorchester, in the County of Westmorland, and an Agent there for the transaction of business connected with the Corporation in this Province, service upon whom of all process, notices, and other documents, shall be deemed sufficient service upon the said Corporation.

MILL COMPANIES.**4th WILLIAM 4th—CHAPTER 39.****An Act for the incorporation of the Saint John Mills and Canal Company.**

Section.

1. Incorporation of Company.

Section.

2. Act deemed public.

Passed 22nd March 1834.

WHEREAS it is thought that the opening of Canals across the necks of land at the Falls of the Saint John River, near the City of Saint John, would afford a good water power for driving Mill and other machinery; and that it would be essential to the success of the undertaking that an Act of Assembly incorporating a Company for that purpose should be granted; and that the erecting of Mills at that place would materially benefit the trade of the said City, and be of great advantage to the lumbering interests of the Province;—

Be it enacted, &c.—1. William Walker, James Kirk, John Robertson, William Leavitt, Isaac Woodward, Angus McKenzie, John V. Thurgar, James T. Hanford, Elisha De W. Ratchford, Moses H. Perley, John Wilson, and Thomas Wyer, and all and every such other person and persons as shall from time to time become proprietors of shares in the Corporation hereby established, their successors, and assigns, shall be and they are hereby erected into a Company, and declared to be a body politic and corporate, by the name of “The Saint John Mills and Canal Company,” and by that name shall have succession and a common seal; and by that name shall and may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of law or equity, or place whatsoever, and be able and capable in law to have, hold, purchase, get, receive, take on lease, erect, set up, possess, and enjoy houses, lands, tenements, hereditaments, mills, mill-dams, booms, waters, water privileges, rents, and profits, in fee simple, leasehold, or otherwise, and also goods and chattels, and all other things, real, personal, and mixed, and also to give, grant, sell, let, assign, or convey the same or any part thereof, and to do and execute all other things in and about the same as shall and may be thought necessary and proper for the benefit and advantage of the said

Company; and also the said Company or the major part of them shall from time to time and at all times have full power, authority, and licence to constitute, ordain, make, and establish such bye laws and ordinances as may be thought necessary for the good rule and government of the said Corporation; provided such bye laws and ordinances be not contradictory or repugnant to the laws and statutes of the Province, and those in force within the same; and provided also, that nothing herein contained shall be held or construed to give the said Company the privilege of dealing in the lending of money by way of discount or otherwise, or engaging in any banking operations whatsoever.

2. This Act shall be accepted and taken and reputed to be a public Act, of which all and every the Judges and Justices of this Province in all Courts, and all other persons, shall take notice on all occasions whatsoever, as if it were a public Act of Assembly relating to the whole Province, any thing herein contained to the contrary thereof in anywise notwithstanding.

17th VICTORIA—CHAPTER 55.

An Act to incorporate the Fredericton Mill and Manufacturing Company.

Section.

1. Corporation, how constituted.
2. First meeting, how and when called.
3. Capital stock, extent of, and how paid in.

Section.

4. Capital stock, how increased.
5. Stock, for what responsible.
6. When this Act shall be in force.

Passed 1st May 1854.

WHEREAS the erection of Mills and machinery for the manufacture of lumber and flour, and for carding and fulling, and other purposes, within or near the City of Fredericton, would greatly promote the interest of this Province, it is deemed expedient to incorporate a Company for that object;—

Be it therefore enacted, &c.—I. Joseph Gaynor, T. R. Barker, David Scott, Robert Chestnut, Thomas T. Smith, Joseph Burt, W. A. Clark, John Atherton, Joseph Stantiford, John T. Smith, William Segee, and their associates, successors, and assigns, shall be and they are hereby erected into a Company for the purpose declared in the Preamble to this Act, and declared to be a body politic and corporate, by the name of “The Fredericton Mill and Manufacturing Company,”

and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province.

2. The first meeting of the said Corporation shall be called by Thomas R. Barker, Esquire, or in case of his death, neglect, or refusal, by any two of the said Company, by giving notice ten days at least in some one Newspaper published in the City of Fredericton, previous to such meeting, which shall and may be holden at the time and place specified in such notice.

3. The capital stock of the said Corporation shall consist of the sum of ten thousand pounds, to be paid in such money as shall at the time of the several payments hereinafter expressed be a legal tender in this Province, fifteen per cent. of the said capital stock to be paid in before the said Corporation shall be entitled to purchase any property, real or personal, or to incur any debts, and the remainder of the said stock to be paid at such time and times, and in such part or portions as the Directors for the time being shall from time to time think necessary, the whole amount of such capital stock to be divided into shares of five pounds each.

4. So soon as the said capital stock shall have been paid in and expended for the purposes of this Corporation, it shall and may be lawful for the said stockholders, at any general meeting to be for that purpose called, to increase the capital stock from time to time, in such sums as they may deem expedient, to a sum not exceeding fifty thousand pounds, and they shall have power from time to time to increase the number of shares accordingly, or from time to time to assess such increase upon the original number of shares, or to increase the capital by both assessments upon and increase of shares.

5. The joint stock and property of the said Corporation shall alone be responsible for the debts and engagements of the Company.

6. Unless fifteen per cent. of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment made and verified on oath by the Directors of the said Corporation, or a majority of them, (which oath any Justice of the Peace is hereby authorized to administer) shall be filed in the Office of the Secretary of the Province before the expiration of three years after the passing of this

Act, the operation of this Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said three years.

17th VICTORIA—CHAPTER 57.

An Act to incorporate the Middle Landing Mills Company
in Saint Stephen.

Section.

1. Corporation, how constituted.
2. First meeting.
3. Power of Company as to certain works,
Officers, and bye laws.

Section.

4. Powers of Company to levy from Mill
owners.
5. Extent of lien and sale of stock.
6. Number of votes of proprietor.
7. Owners, how far individually liable.

Passed 1st May 1854.

Be it enacted, &c.—1. Freeman H. Todd, Abner Hill, James Belmore, Benjamin Young, Zacharias Chipman, and others, the proprietors of the Mill property at Middle Landing, in the Parish of Saint Stephen, in the County of Charlotte, their successors and assigns, be and they are hereby declared to be a body corporate and politic, by the name of “The Middle Landing Mills Company,” and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of building dams, booms, piers, fishways, and sluices, and repairing and improving the same; and for the getting down, security, safe keeping, and separation of logs and timber, owned by different persons at Middle Landing aforesaid, and passing through such lumber as may belong below the said Mills as soon as safely practicable, and for any other purpose required by the common interest of the said proprietors.

2. The first meeting of the said Corporation shall be called by Freeman H. Todd, or in case of his death, absence, or refusal to act, by any two of the said Corporation, after ten days notice in a Newspaper published in Saint Stephen, of the time and place of meeting, or if no Newspaper there, by notice in writing stuck up in three of the most public places in said Parish, one of which shall be in some conspicuous place near the said Mills; and subsequent meetings shall be called in the same manner.

3. The said Company shall have full power and authority to make and construct such dams, piers, booms, fishways, and sluices, as may be necessary and useful for the common

interest of the said proprietors or the public, and from time to time to repair and improve the same, and to do any other act or thing required or expedient to be done in the premises, and to choose officers, and to make bye laws for the better management of its concerns.

4. The said Corporation shall from time to time, first giving ten days notice of the time and place of meeting in manner aforesaid, have power to levy and collect from the proprietors of the said Mills, or the occupiers of the same for the time being, according to their respective interest or occupancy, such sums of money as may be deemed necessary for the purposes aforesaid; and it shall be the duty of the Treasurer to give ten days notice of any assessment made by the Corporation, and the amount thereof on each proprietor or occupier for the time being, in a Newspaper published in Saint Stephen, and if none, then in manner aforesaid, requiring payment of the same.

5. The Corporation shall have a lien on all timber, logs, and other lumber belonging to the said proprietors or occupants in the said Booms, or manufactured in said Mills, for the payment of such assessments, and in case of neglect or refusal to pay, so much of said logs, timber, or other lumber of each owner or occupant as may be necessary to meet such assessment, with the expenses, may be sold by the Corporation to pay the same, after ten days notice thereof, in manner aforesaid, and the surplus (if any) shall be returned to the party assessed.

6. The proprietors of the said Mills respectively, shall each have the following number of votes in the said Corporation, viz :—The owner of a single Mill with one saw, four votes; of a double Mill with two saws, eight votes; of a Deal Mill with a gang of saws, twelve votes; and in the same proportion for a quarter, half, or three fourths interest in any one of said Mills.

7. The said owners of Mills shall each be chargeable in their individual capacity, and shall be holden for the payment of all debts at any time due from the said Corporation, or damages sustained by the default or neglect of the same, or their agents, or servants, in proportion to the interest of each in the said Mills, a single Mill with one saw, being reckoned one; a double Mill with two saws, two; a Deal Mill with a gang of saws, three; and in that proportion for any smaller interest in the same.

SAINT JOHN HOTEL COMPANY.

6th WILLIAM 4th—CHAPTER 63.

An Act to incorporate the Saint John Hotel Company.

Section.

1. Incorporation of Company.
2. Capital.
3. Shares assignable.
4. When meeting may be called.
5. Annual, for choice of Directors, &c.

Section.

6. Officers, how appointed.
7. Who may vote.
8. Shares may be assessed.
9. When Act may be void.

Passed 16th March 1836.

Be it enacted, &c.—1. William H. Street, Ezekiel Barlow, Thomas Hendricks, William Walker, H. Bowyer Smith, Nehemiah Merritt, Charles C. Stewart, Charles Ward, Henry Gilbert, James Whitney, John Robertson, Moses H. Perley, John G. Woodward, John Wishart, and Thomas L. Nicholson, their associates, successors, and assigns, be and they are hereby declared to be a body politic and corporate, by the name of “The Saint John Hotel Company,” and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province.

2. The property of the said Corporation shall be divided into one thousand shares, and every member of the said Corporation shall have and be entitled to have a certificate under the seal of the said Company, and signed by the President and Secretary thereof, certifying his property in such shares as shall be expressed in the certificate.

3. The shares in the said Corporation shall be assignable and transferable, according to such rules and regulations as may be established in that behalf, but no assignment or transfer shall be valid and effectual unless the same shall be entered and registered in a book to be kept by the Directors for that purpose; in no case shall any fractional part of a share, or other than a complete share or shares, be assignable or transferable; whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company, he shall cease to be a member of the said Corporation.

4. When three hundred shares of the capital stock of the said Corporation shall have been subscribed, a general meeting of the subscribers shall be held at the City of Saint John, and shall and may be called by any two of the persons named in this Act, by giving notice thereof for thirty days in one or

more of the public Newspapers published in the City of Saint John, at which or any subsequent meeting to be for that purpose holden, bye laws shall be established, and five Directors shall be elected, (who shall be members and stockholders of and in the said Corporation to such an extent as may be required by the said bye laws); which Directors so chosen shall at their first meeting after their election choose one of their number President of the said Company, and shall serve until the first annual meeting of the Company, or until others are chosen in their stead, which Directors shall have full power and authority to manage the concerns of the said Company, and shall commence the operations thereof, subject nevertheless to the laws and regulations which may from time to time be made by the said Corporation.

5. A general meeting of the stockholders and members of the said Corporation shall be annually holden on the first Monday in May in each and every year, at the City of Saint John, at which annual meeting there shall be chosen of the said members five Directors, (duly qualified according to the rules and regulations of the said Company) who shall continue in office for one year, or until others are chosen in their place, and the Directors when chosen shall at their first meeting choose out of their number a President.

6. The Directors for the time being shall and may appoint a Secretary and Treasurer, and such other officers, clerks, and servants as they or the major part of them shall think necessary for executing the business of the Corporation, and shall allow them (out of the funds of the Corporation) such compensation for their respective services as to them shall appear reasonable and proper, and the Directors shall likewise exercise such other powers and authorities for the well regulating the affairs and managing the business of the said Corporation as shall be prescribed by the bye laws and regulations of the same.

7. Every person owning a share in the capital stock of the said Corporation shall be a member thereof and be entitled to vote at all meetings of the said Company, and members may give as many votes as they own shares, and absent members may vote by proxy, such proxy being a stockholder and authorized in writing.

8. The President and Directors of the said Corporation may from time to time assess upon each share such sum or sums of money as shall be judged by the said Company necessary for raising a capital for the payment of any debts of the said Corporation, and for the purchase of such real and personal property, and the designing, erecting, building, making, and setting up of such buildings, fences, gardens, yards, and appurtenances as may be deemed necessary for carrying into full effect the objects of the said Company, to be paid to their Treasurer at such time or times and by such instalments as shall be deemed requisite and proper ; provided always, that when any such assessment shall be made or ordered, notice shall be given thereof by the Secretary in one or more public Newspapers published in the City of Saint John, requiring payment at such time or times as may for that purpose be appointed ; and if the proprietor of any share or shares shall neglect or refuse to pay to the Treasurer the amount of any such assessment or instalment thereof, duly assessed or ordered as aforesaid, it shall be the duty of the Treasurer to advertise such delinquent share for sale at public auction, giving at least thirty days notice of the time and place of such sale in one or more public Newspapers published in the City of Saint John, and all shares upon which the assessment or instalment thereof shall then remain unpaid shall be sold to the highest bidder, and such sale shall be a legal transfer of the shares so sold to the purchaser or purchasers thereof, and shall be recorded accordingly by the Secretary, and such purchaser or purchasers shall be entitled to receive a certificate in the manner prescribed in and by the second Section of this Act, provided that the whole capital or stock of said Corporation shall not exceed the sum of twenty five thousand pounds.

9. Provided always, that unless twenty per cent. of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment signed and verified on oath by the said Directors or a majority of them, which oath any Justice of the Peace is hereby authorized to administer, shall be filed in the Office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease and the existence of the said Corporation be terminated at the expiration of the said three years.

3rd VICTORIA—CHAPTER 43.

An Act to revive an Act intituled *An Act to incorporate the Saint John Hotel Company*.

Section.

1. What Act revived.

Section.

2. What proceedings valid.

Passed 25th March 1840.

WHEREAS the sum required in and by the ninth Section of an Act made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to incorporate the Saint John Hotel Company*, to be paid in for the purposes of the said Corporation, was actually so paid in within the time therein mentioned and required, but the certificate of such payment was omitted to be filed in the Office of the Secretary of the Province within the time for that purpose prescribed: And whereas such certificate is now filed and remains in the said office, and it is considered expedient to revive the said recited Act, and to confirm all proceedings had thereunder to the same extent as if such certificate had been filed in due time;—

Be it therefore enacted, &c.—1. The said recited Act be and the same is hereby revived and declared to be in full force and effect, save and except the ninth Section thereof.

2. All proceedings had or professed to have been had under and by virtue of the said recited Act, shall be valid and effectual to all intents and purposes in the same manner and to the same extent as if such certificate had been filed in the Office of the Secretary of the Province within the time prescribed by the ninth Section of the said recited Act.

16th VICTORIA—CHAPTER 54.

An Act to amend an Act intituled *An Act to incorporate the Saint John Hotel Company*.

Section.

1. Who to call meeting.

Section.

2. Sales, when valid.

Passed 3rd May 1853.

WHEREAS it is advisable to amend the Act of Incorporation of the Saint John Hotel Company, by making provision for the dissolution of the said Corporation;—

Be it enacted, &c.—1. Any number of stockholders in the Saint John Hotel Company not less than ten, who together

shall be proprietors of four hundred shares in the capital stock of the said Corporation, shall have power by themselves or their proxies at any time to call a general meeting of the stockholders, for the purpose of taking into consideration the propriety of dissolving the said Corporation, giving at least one month's previous notice in two or more Newspapers published in the City of Saint John, and specifying in such notice the time and place of such meeting, with the objects thereof; and should it be determined by a majority of votes of the stockholders present at such meeting, (such majority being proprietors of not less than one hundred shares) that the said Corporation should be dissolved, it shall be the duty of the President and Directors then in office, and they are hereby authorized and empowered to take immediate and effectual measures for closing the concerns of the said Company, and for dividing the capital and profits or loss which may remain among the stockholders in proportion to their respective interests.

2. Any sale or sales, transfer or transfers, which shall be made by the said President and Directors pursuant to the powers given by this Act, shall be valid and effectual to all intents and purposes; provided always, that prior to any sale or transfer being made of the property of said Corporation, thirty days notice of the time and place of sale shall be given by advertisement in two or more Newspapers published in the said City.

FISHING COMPANY.

14th VICTORIA—CHAPTER 14.

An Act to incorporate the Northumberland Straits Fishing Company.

Section.

1. Incorporation of Company.
2. Capital.
3. First meeting.
4. Directors, how appointed, &c.
5. Annual meeting for choice of Directors, &c.
6. Special meetings, how called.

Section.

7. Officers, how appointed.
8. Who entitled to vote.
9. Debts, what responsible for.
10. Shares may be assessed.
11. What lands, &c. may possess.
12. Shareholders in England, powers of.
13. When Act may be void.

Passed 30th April 1851.

WHEREAS the establishment of a Fishery on the Northumberland Straits, adjoining the shores of this Province, will be productive of great advantage to the public, and tend to promote and extend both its commercial and agricultural resources: And whereas it is deemed expedient to incorporate a Company for the purpose of managing such Fishery ;—

Be it therefore enacted, &c.—1. Joseph Avard, George Oulton, John Bent, and Alexander Munro, Esquires, William L. Trueman, William Silliker, Jacob Silliker, John Munro, James Munro, Joseph Harper, William Henry Buckerfield, and Thomas Edwin Oulton, and all and every person or persons who shall from time to time become proprietors of shares in the Corporation hereby established, their successors and assigns, shall be and they are hereby erected into a Company, and declared to be a body corporate, by the name of “The Northumberland Straits Fishing Company,” and by that name shall have perpetual succession and a common seal, and shall and may by that name sue and be sued, implead and be impleaded, answer and be answered unto, and have and enjoy all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of carrying on such Fishery.

2. The capital stock of the said Corporation shall be twenty thousand pounds, to be divided into two thousand shares of ten pounds each ; and such shares shall be deemed and taken to be personal estate, and transferable and distributable as personal estate is transferable and distributable by the laws of this Province.

3. The first meeting of the Corporation shall be called by Alexander Munro, Esquire, when and as soon as four hundred shares of the stock of and in such Corporation shall have been taken and subscribed for ; and in case of his death or refusal to act, by any two of the above named corporators, after ten days notice in writing, in some Newspaper published in the City of Saint John, for the purpose of organizing such Corporation ; which meeting shall be held at the time and place mentioned in such notice.

4. At such meeting or at any subsequent meeting to be held for that purpose, five Directors, owning respectively five or more shares in the said Corporation, shall be elected ; which Directors, or any three of them, at their first meeting after such election, shall choose one of their number to be President of the Company, and shall serve until the first annual meeting of the said Company for the choice of Directors, or until others shall be elected in their stead ; and such President and Directors shall have full power and authority to manage the affairs of the said Corporation, three being a quorum, subject to the bye laws and regulations which may from time to time be made by the said Corporation.

5. A general meeting of the shareholders in the said Corporation shall be annually holden in the month of June at such place as shall be appointed at any previous meeting, or in default of such appointment, at Bay Verte, in the County of Westmorland ; at which annual meeting, or at any adjournment thereof, there shall be chosen of the said shareholders five Directors, who shall continue in office for one year, or until others shall be appointed in their stead, and shall at their first meeting choose a President as aforesaid, who shall have a casting vote in case of equality at all meetings of such Directors.

6. It shall and may be lawful for any three or more of the shareholders in the said Corporation, by writing under their hands, to call a special meeting of the said Corporation, the purpose or object, place, day, and hour of which meeting shall be stated in such writing, and twenty days notice thereof shall be given by public advertisement in some Newspaper published in the City of Saint John, and also by Circular addressed by the Secretary to every shareholder, and sent by Post to his or

her last known place of abode; and all proceedings at such special meeting so called, shall be as valid and effectual as if taken at any general annual meeting as aforesaid.

7. The Directors for the time being shall have power to appoint a Secretary and Treasurer, and such other officers, and also such sub-committee or sub-committees as they or the major part of them shall think necessary, and shall allow such remuneration as they shall think proper for their services; and the Directors shall exercise such powers and authorities for regulating the affairs and managing the business of the said Corporation, as shall be prescribed by the bye laws and regulations of the same.

8. Every person owning a share in the said Corporation shall be a member thereof, and be entitled to vote at all meetings of the said Company, and members may give as many votes as they own shares, and absent members may vote by proxy, such proxy being in writing under the hand of such member; provided that at all meetings, whether of shareholders or Directors, all questions shall be decided by a majority of votes, the President or Chairman having a casting vote in case of equality of votes.

9. The joint property or stock of the said Corporation, whether real or personal, shall alone be liable for its debts or engagements, and no individual proprietor shall be or become answerable or accountable by any ways or means, for any other or greater sum of money than the amount of shares or stock which he shall actually and *bona fide* possess in the capital stock of the said Corporation.

10. The President and Directors may from time to time assess upon each share such sum or sums of money as shall be judged by them to be necessary for the purposes of the said Company, and appoint the same to be paid at such time or times, and by such instalments as they may think proper, not exceeding in the whole the sum of one pound in respect of each share; provided that notice of such instalment shall be given by the Secretary in some two Newspapers published respectively in Saint John and in London, and also by Circular sent to each proprietor by Post, addressed to his or her last known place of abode, at least twenty days before the day appointed for such payment; and in case of default in pay-

ment for the space of thirty days after the time appointed for such payment, the said Directors are hereby empowered to sue for and recover the same, or to declare such shares so in arrear forfeited, and to sell the same to the highest bidder, and apply the produce of such sale to the discharge of any instalment then due, with interest thereon; and the transfer or assignment of the said Directors, under the common seal of the said Company, shall be good and valid to all intents and purposes whatsoever.

11. The said Company shall and may take, purchase, and hold any lands, tenements, or hereditaments in fee simple or otherwise, not exceeding in the whole five thousand acres, and also any moneys, securities for money, mortgages, ships, vessels, or shares in any ships or vessels, shares or stock in any Company, or other property whatsoever; and shall and may have full power and authority at any general meeting, whether annual, special, or adjourned, to make and establish such bye laws and regulations as may be necessary for the management and ordering of the business of the said Company, and of the affairs and business thereof; and also respecting the making calls on the shares therein, the transfer and registry of such shares, and all other matters and things in any way concerning the said Corporation and the management thereof, and of the fishery intended to be established as aforesaid, provided that no such bye law shall be contradictory or repugnant to the laws of this Province; provided also, that no such bye law shall have any power or effect until it shall have been submitted to and approved by the Lieutenant Governor in Council, and published in the Royal Gazette.

12. In the event of five hundred shares in the said Company being taken and subscribed for in England, it shall be lawful for the proprietors resident therein to choose four Directors from their own body, at a meeting to be held for that purpose, to be convened by public notice in some London Newspaper; and such four Directors resident in England shall have such and the same powers and authorities as are hereby conferred upon the five Directors hereinbefore mentioned; provided that nothing herein contained shall affect, alter, or abridge the power of the shareholders in England, as members of the said Corporation; provided also, that after the election of such

four Directors, no call shall be made on the shareholders for any instalment on their shares, without the assent of three of such last mentioned Directors at some meeting to be held for that purpose ; and after such election, all the bye laws, regulations, and other proceedings, (except proceedings at any general meeting of shareholders) shall require the sanction and assent of at least five out of the nine Directors of the said Company, wherever resident, either at some meeting of the said Directors, or signified by writing under their hands, approving the resolutions of any previous meeting.

13. Provided always, that unless one fifth part of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment, verified on oath by the said Directors, or any three of them, (which oath any Justice of the Peace is hereby required to administer) shall be filed in the Office of the Secretary of the Province before the expiration of three years from the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation terminate at the end of the said three years ; provided always, that so soon as the whole of the said capital stock shall have been paid in for the purposes of the said Company, it shall be lawful for the said shareholders, at any general meeting to be called for that purpose, to increase the said capital stock from time to time as they shall judge expedient, to any sum not exceeding thirty thousand pounds.

15th VICTORIA—CHAPTER 27.

An Act to amend an Act intituled *An Act to incorporate the Northumberland Straits Fishing Company.*

Section.

1. What Fishery may carry on.
2. Reduction of number of shares.

Section.

3. Assessment of shares.
4. President, how elected.

Passed 18th February 1852.

Be it enacted, &c.—1. The Corporation established and organized under and by virtue of an Act made and passed in the fourteenth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Northumberland Straits Fishing Company*, shall have power and authority to establish and carry on a Fishery on the Bay of Fundy, and on the other Shores or Rivers of this Province.

2. The said Northumberland Straits Fishing Company shall and may commence and carry on their operations when and as soon as two hundred shares of the stock of such Corporation shall be taken and subscribed, instead of four hundred as mentioned in the third Section of the hereinbefore recited Act.

3. The President and Directors of the said Company may from time to time assess upon each share such sum or sums of money as they may think necessary for the purposes of the said Company, in manner prescribed by the tenth Section of the said Act, not exceeding the amount of ten pounds for each share in the whole of such instalments.

4. The President of the said Company may be elected from any of the Directors of the said Company, whether resident in this Country or in Great Britain, and at all meetings of Directors at which he shall not be present, one other Director shall be chosen Chairman, and the acts of such meeting shall be as valid and effectual as if the President had been then present and acted as Chairman.

17th VICTORIA—CHAPTER 51.

An Act in further amendment of an Act intituled *An Act to incorporate the Northumberland Straits Fishing Company*.

Section.

1. Extension of time.
2. Capital Stock, how considered.

Section.

3. Recovery of calls, and evidence.
4. Directors, by whom and how elected.

Passed 1st May 1854.

Be it enacted, &c.—1. The period limited by the thirteenth Section of an Act made and passed in the fourteenth year of Her present Majesty's Reign, intituled *An Act to incorporate the Northumberland Straits Fishing Company*, for paying up one fifth part of the capital stock of such Company, be extended for the term of three years from the time of the passing of this Act, and all and singular the clauses, privileges, matters, and things in the said Act, as amended by an Act passed in the fifteenth year of the same Reign for amending such last mentioned Act, shall be extended and enlarged for such term of three years.

2. The capital stock mentioned in such Acts shall be exclusive of the stock authorized to be raised by any Act in any

other of the Provinces of British North America, and in the event of an Imperial Charter being granted to the said Company, shall be consolidated with such stock in one aggregate capital.

3. In any action for the recovery of any call it shall be sufficient to prove the handwriting of the defendant to the subscription list, or the payment of any previous call by him.

4. The shareholders of the said Company may elect six Directors in this Province, or in Nova Scotia, or Prince Edward Island, if they think proper, instead of five, and any vacancy among the Directors by death, resignation, incapacity, or otherwise, shall be filled up by the remaining Directors until the next general annual meeting of shareholders.

PLAISTER COMPANY.

14th VICTORIA—CHAPTER 4.

An Act to incorporate the Hillsborough Plaister and Rail Road Company.

Section.

1. Incorporation of Company.
2. Capital.
3. First meeting.
4. Annual meeting.
5. Directors' powers.

Section.

6. Shares assignable.
7. Debts, who liable for.
8. Act, when may be void.
9. Right of way, how compensated.

Passed 15th March 1851.

WHEREAS the Township of Hillsborough, in the County of Albert, offers advantageous situations for the quarrying and working of free stone, marble, lime stone, and other building materials, quarrying and manufacturing of plaister, and for mining purposes ; and for procuring the requisite capital it is desirable to incorporate into a body politic and corporate such persons as may be willing to advance funds for such undertaking ;—

Be it enacted, &c.—1. Samuel Fowler, Augustus C. Downing, Daniel C. Schanck, James Smith, and Charles Fowler, their associates, successors, and assigns, shall be and they are hereby erected into a body politic and corporate, by the name of “The Hillsborough Plaister and Rail Road Company,” and by that name shall have a common seal, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all Courts and places whatever, and shall have power and authority to purchase, hold, and enjoy lands, tenements, and hereditaments, for them and their successors and assigns, and all other powers and privileges now incident to a Corporation by Act of Assembly of this Province, for the purpose of quarrying, manufacturing, and trading in plaister, free stone, lime stone, marble, and other building materials, conveying the same to market, opening and working mines, and other business connected therewith ; and also the constructing and making of such railroad or other description of road as may be necessary for the transportation of such articles from the quarries to the place of shipment ; and also that they the said Company, or a majority of them, shall from time to time and at all times have full power and authority to constitute,

ordain, make, and establish such bye laws and ordinances as may be deemed necessary for the good rule and government of the said Corporation, provided that such bye laws and ordinances be not contradictory or repugnant to the laws and statutes of this Province, and those in force within the same.

2. The capital stock of said Corporation shall be twenty five thousand pounds current money of the Province of New Brunswick, with liberty to increase the same to the sum of fifty thousand pounds, to be divided into shares of twenty five pounds each, to be paid in at such times and instalments as the business of the said Company shall require; and every person who shall be a holder of one or more shares shall be entitled to vote, either in person or by proxy, having one vote for each share as aforesaid; and it shall be lawful for said Corporation to grant certificates of full stock, in whole or part payment, for the consideration of lands, quarries, buildings, wharves, machinery, mining rights or privileges, in the place of money subscription to said stock, at such valuation as a majority of all the subscribers shall fix, said subscription to become void if satisfactory titles or conveyances to the Corporation be not made at such a period as said Corporation may by any bye laws or vote direct after its organization.

3. The first meeting of the said Corporation shall be held at Hillsborough aforesaid, and shall be called by Samuel Fowler, Esquire, or in case of his death, neglect, or refusal, by any two of the said Company, by giving notice in one or more Papers printed in the City of Saint John in this Province, at least thirty days previous to such meeting, in order to organize the said Company, and for the purpose of establishing bye laws, choosing Directors and such other officers as may be necessary, which Directors and officers so chosen shall continue in office until the first annual meeting, or until re-election, or others are chosen in their stead; and the members of the said Company, or shareholders present or appearing by proxy, shall organize said Company, establish bye laws, and choose Directors of the said Company, by a majority of votes.

4. The shareholders shall meet annually at such time and place as may be appointed and regulated in and by the bye laws of said Company, at which meeting the shareholders present or by proxy may either continue in office the Directors

before appointed, or any number of them, or may elect a new body of Directors to supply the place of those not continued in office; provided always, that the omission to meet shall work no forfeiture, but the shareholders may be afterwards called together for that purpose by one or more of the Directors of the said Company for the time being, or by any three of the shareholders.

5. The Directors and officers of the said Company, or a majority of them, shall have full power and authority to manage the concerns of said Corporation, subject to the bye laws of said Corporation, and the regulations herein contained, may appoint and employ any agent or other persons by them deemed necessary, may declare annual or semi-annual dividends or profits as ascertained by them; but no person shall be eligible as a Director unless such person is a stockholder, and of the full age of twenty one years; nor shall any sale or purchase of real estate be made by them, except by consent of two thirds of the stockholders voting as provided in Section second.

6. All the shares in the said Company shall be numbered in progressive order, and every member of said Company shall have a certificate under the seal of the said Corporation, and signed by the President and Clerk thereof, certifying his property in such shares as expressed in the certificate; and the shares of the said Corporation shall be assignable, and such assignee shall thereupon become a member and stockholder in the said Company; and whenever any stockholder or shareholder shall assign or transfer his stock or shares in the said Company, he shall cease to be a member of the said Corporation.

7. The joint stock and property of the said Company shall alone be responsible for the debts and engagements of the same.

8. Provided always, that unless ten per cent. of the capital stock shall be paid in for the purposes of the Corporation, and a certificate of such payment, signed and verified on oath by the said Directors, or a majority of them, (which oath any Justice of the Peace is hereby authorized to administer) shall be filed in the Office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said three years.

9. And whereas also it may be necessary for the said Corporation to obtain a right of way or road over the lands of other persons, from their quarries to their wharves or place of shipment;—In case where the Corporation cannot amicably agree with any person or persons as to the value of or damage done to his or their lands, by the making of any necessary road by the said Corporation from their said quarries to their wharves or place of shipment, then it shall and may be lawful for the said Corporation to obtain from two Justices of the Peace for the County where the said lands may lie, an appointment in writing under their hands of five disinterested freeholders of said County, who shall under oath, to be administered by either of the said Justices, appraise the fair value of the land to be appropriated for said road, or the damages thereof, to the said party or parties over whose land the same may pass; and upon the payment, by the said Corporation, of the amount of such value or damages to said party or parties, or upon a legal tender of the same by the Corporation, or their Attorney for that purpose appointed, it shall and may be lawful for the said Corporation, by their servants, agents, or hired men, without further notice, to pass and repass over said required road at all times and with such things and in such manner as they may think fit.

GRINDSTONE COMPANY.**13th VICTORIA—CHAPTER 16.****An Act to incorporate the Shediak Grindstone Manufacturing and Mining Company.**

Section.

1. Incorporation of Company.
2. Capital.
3. First meeting for choice of Directors, &c.
4. Annual meetings.

Section.

5. Qualification of Directors, &c.
6. Certificates of shares.
7. Debts, who responsible for.
8. Act, when may be void.

Passed 26th April 1850.

WHEREAS a Company has lately been formed for the purpose of erecting a Mill Manufactory and works for making grindstones, paint, and for other manufacturing purposes, and for opening and working of mines, and other business connected therewith, on the Scadouk River, in the County of Westmorland, and at or near the Ports or Harbours and Rivers of Shediak and Cocagne, in this Province: And whereas the expenditure of capital and the employment of labour in such works and operations would be a benefit to the Province, it hath been deemed expedient to afford protection and encouragement to the said Company, and to facilitate their operations by an Act of Incorporation;—

Be it enacted, &c.—1. William James Gilbert, Clark Parlee Smith, George Sims Fitch, Abner Gilbert, Junior, J. L. Bevier, Isaac Woodward, M.P.P., Robert Duncan Wilmot, M.P.P., Robert Keech Gilbert, William Henry Scovil, James Whitney, and such other persons as shall from time to time become proprietors of shares in the Company hereby established, their successors and assigns, shall be and they are hereby erected into a body politic and corporate, by the name of “The Shediak Grindstone Manufacturing and Mining Company,” and by that name shall have a common seal, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all Courts and places whatsoever, and shall have power and authority to purchase, hold, and enjoy lands, tenements, and hereditaments, for them and their successors and assigns, and all other the powers and privileges now incident to a Corporation by Act of Assembly of this Province, for the purpose of erecting a Mill Manufactory and works for making grindstones, paint, and for manu-

facturing lumber, cotton and woollen goods, flour and meal, and for opening and working of mines, and other business connected therewith, on the Scadouk River aforesaid, and at or near the ports or harbours and rivers of Shediak and Cocagne, in this Province as aforesaid, and for the carrying on and managing the same ; and also that they the said Company, or a majority of them, shall from time to time and at all times have full power and authority to constitute, ordain, make, and establish such bye laws and ordinances as may be deemed necessary for the good rule and government of the said Corporation, provided that such bye laws and ordinances be not contradictory or repugnant to the laws and statutes in this Province, and those in force within the same.

2. The capital stock of the said Corporation shall be fifty thousand pounds of current money of the Province of New Brunswick, and shall be divided into four thousand shares of twelve pounds ten shillings each, to be paid in at such times and in such instalments as the business of the said Company shall require.

3. The first meeting of the said Corporation shall be held at Shediak aforesaid, and shall be called by Robert Keech Gilbert, Esquire, or in case of his death, neglect, or refusal, by any two of the said Company, by giving notice in one or more of the public Newspapers printed in the City of Saint John, in this Province, at least thirty days previous to such meeting, in order to organize the said Company, and for the purpose of establishing bye laws, choosing Directors, and such other officers as may be necessary ; which Directors and officers so chosen shall continue in office until the first annual meeting, or until re-elected, or others are chosen in their stead ; and the members of the said Company, or shareholders present or appearing by proxy, shall organize the said Company, establish bye laws, and choose the Directors of the said Company, by a majority of votes.

4. The shareholders shall meet annually at such time and place as may be appointed and regulated in and by the bye laws of the said Company, at which meeting the shareholders present or by proxy may either continue in office the Directors before appointed, or any number of them, or may elect a new body of Directors to supply the place of those not continued in

office ; provided always, that the omission to meet shall work no forfeiture, but the shareholders may be afterwards called together for that purpose by one or more of the Directors of the said Company for the time being, or by any three of the shareholders.

5. The Directors and officers of the said Company for the time being shall have full power and authority to manage the concerns of the said Corporation, subject to the bye laws of the said Corporation, and the regulations herein contained ; and no person shall be eligible as a Director unless such person is a stockholder, and holds not less than eight shares of the capital stock of the said Corporation, and is of the full age of twenty one years.

6. All the shares in the said Company shall be numbered in progressive order, and every member of the said Company shall have a certificate under the seal of the said Corporation, and signed by the President and Secretary thereof, certifying his property in such shares as shall be expressed in the certificate ; and the shares of the said Corporation shall be assignable, and such assignee shall thereupon become a member and stockholder in the said Company ; and whenever any stockholder or shareholders shall assign or transfer his stock or shares in the said Company, he shall cease to be a member of the said Corporation ; and the number of votes to which each stockholder shall be entitled, when the votes of the stockholders are to be given, shall be in proportion of one to each share ; and absent stockholders may vote by proxy, provided such proxy produce sufficient authority in writing.

7. The joint stock and Company shall alone be responsible for the debts and engagements of the same.

8. Provided always, that unless ten per cent. of the capital stock shall be paid in for the purposes of the Corporation, and a certificate of such payment, signed and verified on oath by the said Directors, or a majority of them, (which oath any Justice of the Peace is hereby authorized to administer) shall be filed in the Office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operations of this Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said three years.

15th VICTORIA—CHAPTER 59.

An Act to amend the Act to incorporate the Shediak Grindstone Manufacturing and Mining Company.

Section.

1. Sections of what Act repealed.

Section.

2. Capital stock, &c.

Passed 3rd May 1853.

Be it enacted, &c.—1. The second and eighth Sections of an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Shediak Grindstone Manufacturing and Mining Company*, are hereby repealed.

2. The capital stock of the said Corporation shall be twenty five thousand pounds of current money of the Province of New Brunswick, and shall be divided into two thousand shares of twelve pounds ten shillings each, to be paid in at such times and in such instalments as the business of the said Company shall require, of which stock already taken shall form a part, provided that unless ten per cent. of the capital stock herein named shall be paid in for the purposes of the Corporation, (of which the stock already paid in by the stockholders shall form a part) and a certificate of such payment, and all future payments, signed and verified on oath by the said Directors, or a majority of them, (which oath any Justice of the Peace is hereby authorized to administer) shall be filed in the Office of the Secretary of the Province before the expiration of six years from the passing of the said Act to incorporate the Shediak Grindstone Manufacturing and Mining Company, the operation of the said Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said six years.

STEAM COMPANIES.

15th VICTORIA—CHAPTER 75.**An Act to incorporate the Saint Andrews Steam Ferry Boat Company.**

Section.

1. Incorporation of Company.
2. Capital.

Section.

3. Meetings, &c.

Passed 7th April 1852.

Be it enacted, &c.—1. Henry Frye, Harris H. Hatch, William Whitlock, James W. Street, Richard M. Andrews, S. T. Odell, John Irvine, Honorable Harris Hatch, Frederick A. Babcock, Samuel T. Gove, Edwin Pheasant, John J. Robinson, R. N., Wellington Hatch, George D. Street, Edward Wilson, George Frederick Campbell, and Thomas Berry, their associates, successors, and assigns, are hereby declared to be a corporate body, by the name of “The Saint Andrews Steam Ferry Boat Company,” with all the general powers and privileges made incident to Corporations by Act of Assembly in this Province, for the purpose of providing and running Steam Ferry Boats between Saint Andrews in this Province and Robinstown in the State of Maine.

2. The capital of the Company shall be fifteen hundred pounds, divided into three hundred shares of five pounds each, with power to increase the said capital to the sum of three thousand pounds; and the whole and the parts thereof shall be payable by such instalments and at such times as the Directors of the Company shall appoint.

3. The time, place, and notice of holding annual and special meetings of the Corporation, as also the number and duties of Directors and officers and servants, and the manner of election or appointment, shall be established by bye laws of the Company made at a general meeting of the stockholders.

16th VICTORIA—CHAPTER 64.

An Act to incorporate the Nashwaaksiss and Fredericton Steam Ferry Boat Company.

Section.

1. Incorporation of Company.
2. Capital.
3. First Directors, how chosen.
4. Annual general meeting.
5. Assessment of shares.

Section.

6. Debts, who liable for.
7. For what shareholders liable.
8. When Act may be void.
9. Limitation.

Passed 3rd May 1853.

WHEREAS from the great increase of the population of the Parish of Douglas and the surrounding country, the want of a sufficient Ferry to land at the upper part of Fredericton is much required ;—

Be it enacted, &c.—1. The Honorable F. P. Robinson, W. J. Bedell, Esquire, Stephen H. Fowler, Beverly Robinson, Esquire, James S. Beek, James Pickard, Peter M'Farlane, George Todd, Martin Mackay, and John M'Gibbon, their associates, successors, and assigns, be and they are hereby declared a body politic and corporate, by the name of "The Corporation of the Nashwaaksiss and Fredericton Steam Ferry Boat Company," and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of conducting a steam ferry across the River Saint John at the upper part of Fredericton, and for the construction of steam ferry boats, and necessary works therewith connected ; and the said Company, or the major part of them, shall from time to time, and at all times, have full power and authority to constitute, ordain, make, and establish such bye laws and ordinances as may be thought necessary for the good rule and government of said Company, provided that such bye laws and ordinances be not contradictory or repugnant to the laws and statutes of the Province, or to such bye laws, rules, and regulations relating to ferries within the limits of the City of Fredericton as are now made or may hereafter be made by the Mayor and Corporation of the said City of Fredericton.

2. The capital stock of the said Company shall consist of the sum of six hundred pounds, with power to increase to fifteen hundred pounds, and shall be divided into shares of five pounds each, and be paid in such sums and at such time or times as the Directors of the said Company shall from time to time appoint.

3. At any meeting to be for that purpose holden, five Directors (being members and stockholders of and in the said Corporation to such an extent as by the laws and regulations of the said Company may be provided) shall be chosen, which Directors so chosen shall serve until the first annual meeting for the choice of Directors, and shall have full power and authority to manage the concerns of the said Corporation, subject nevertheless to the laws and regulations which may from time to time be made by the said Company.

4. There shall be a general meeting of the stockholders and members of the said Corporation, to be annually holden at such time and place as by the laws and regulations of the said Company may be appointed, at which annual meeting there shall be chosen five Directors, being members and stockholders of and in the said Company to such an extent as by the laws and regulations of the said Company may be required, who shall continue in office for one year, or until others are chosen in their places.

5. The Directors of the said Company shall and may from time to time assess on each share such sum or sums of money as shall be judged necessary for raising a capital for the payment of any debts of the said Corporation, and for the purchase of such real or personal property, and the building of any ferry boat or boats, and also for the maintaining the same when built, and all other things whatsoever as may be deemed necessary for carrying on the business of the said Company ; which said sum or sums of money so to be assessed, shall be paid to the Treasurer of the said Company at such time or times, and by such instalments as shall be deemed requisite and proper, and may be directed thereby.

6. The joint property and stock of the said Company shall alone be responsible for the engagements and debts of the said Company.

7. Each and every shareholder in the said Corporation shall be held liable to the said Company for each and every call or assessment made, (not however to exceed in amount the stock so subscribed for) for the purpose of enabling the said Company to pay the debts and engagements of the said Corporation, or to carry on the operations for which the said Company is incorporated, and shall and may be sued for by the said

Corporation, and recovered in any Court of Record within the Province.

8. Unless one fifth part of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment, signed and verified on oath by the said Directors, or a majority of them, (which oath any Justice of the Peace is hereby authorized to administer) shall be filed in the Office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said three years.

9. This Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty three.

17th VICTORIA—CHAPTER 61.

An Act to incorporate the Saint John and Westmorland Steam Navigation Company.

Section.

1. Company, how constituted.
2. Capital stock.
3. First meeting.
4. Who may vote at meetings.
5. Shareholders liable for call.

Section.

6. Proceedings to recover calls.
7. Capital stock, how increased.
8. Bye laws, for what purposes to be made.
9. What property responsible for the debts.
10. When this Act shall come into operation.

Passed 1st May 1854.

Be it enacted, &c.—1. Edward Allison, Joseph F. Allison, Frank Giles, John Tucker, Christopher Boultenhouse, Alexander Wright, Alexander M^L. Seely, Joseph Salter, William H. Adams, Oliver Jones, their associates, successors, and assigns, be and they are hereby declared to be a body corporate, by the name of “The Saint John and Westmorland Steam Navigation Company,” with all the general powers and privileges made incident to Corporations by Act of Assembly in this Province, for the purpose of providing, owning, and running one or more steam boats, screw propellers, or other vessels, between Saint John and the River Petitcodiac, and to and from such other places in the Bay of Fundy, the Gulf of Saint Lawrence, or elsewhere, as the said Company may deem expedient.

2. The capital stock of the said Corporation shall be twenty

thousand pounds of current money of New Brunswick, and shall be divided into eight hundred shares of twenty five pounds each.

3. The first meeting of the Corporation for the organization thereof may be called by Christopher Boultenhouse, or in case of his death, or neglect, or refusal, by any one of the parties above named, at such time and place as he may appoint, by publishing notice of the same in two of the Newspapers published in the City of Saint John at least one calendar month before such meeting is held.

4. Every person owning a share in the capital stock of the said Company shall be a member thereof, and be entitled to vote at all meetings of the said Company, and members may give as many votes as they own shares, and absent members may vote by proxy, such proxy being a stockholder, and authorized in writing.

5. Each and every shareholder in the said Corporation shall be held liable to the said Company for each and every call or assessment made, not however to exceed in amount the stock subscribed by him, for the purpose of enabling the said Company to pay the debts and engagements of the said Corporation, or for the purposes of, or to carry on the operations for which the said Company is incorporated, which call or assessment may be sued for by the said Corporation and recovered in any Court of Record within the Province.

6. The Company or the Directors if empowered by the bye laws of the Corporation, shall have power to levy and collect assessments upon the shares from time to time, of such sums of money as may be deemed necessary for carrying on the business, or for the purposes or operations of the said Company; and whenever any assessment shall be made as aforesaid, it shall be the duty of the Treasurer to give notice thereof in a Newspaper printed and published in the City of Saint John, requiring payment of the same within thirty days; and if any stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his shares, or any part of such amount at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent shares for sale at public auction, giving at least thirty days notice of the time and place of such sale; and all shares upon which the assess-

ment or any part thereof is not paid, with interest from the time such assessment became due, shall be sold to the highest bidder, and after retaining the amount due on such assessment, and interest due thereon, and the expense of advertising and selling, the residue (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchaser.

7. It shall and may be lawful for the stockholders at any general meeting to be for that purpose called, to increase the said capital stock from time to time, in such sums as they may deem expedient, to a sum not exceeding fifty thousand pounds, and they shall have power from time to time to increase the number of shares accordingly.

8. The time and place of holding annual and special meetings of the Corporation, as also the number, eligibility, duties, and powers of Directors, officers, and servants, their continuance in office, removal, or disqualification, and the manner of election or appointment, and any other matter connected with the objects and purposes for which the said Company is incorporated, may be established or regulated by bye laws of the Company made at any meeting of the Company or adjournment thereof.

9. The joint property and stock of the said Company shall alone be responsible for the engagements and debts of the said Company.

10. Unless fifteen per cent. of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment signed and verified on oath by the said Directors, or a majority of them, (which oath any Justice of the Peace is hereby authorized to administer) shall be filed in the Office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said three years.

17th VICTORIA—CHAPTER 65.

An Act to incorporate the Sunbury Steam Factory Company for the manufacture of Agricultural and other Implements.

Section

1. Corporation, how constituted.
2. Capital stock.
3. First meeting.
4. General meeting.
5. Qualification of Directors.
6. Stockholders' votes.

Section.

7. Shares, when assignable.
8. Joint stock property alone responsible.
9. Shares to be numbered.
10. Calls.
11. Special meetings, by whom called.
12. Operations of Act.

Passed 1st May 1854.

WHEREAS a joint stock Company has lately been formed for the purpose of erecting a Steam Factory for the manufacture of Agricultural and other implements in the County of Sunbury, within this Province, for which object capital is about to be subscribed: And whereas it is deemed expedient to incorporate a Company for that purpose;—

Be it enacted, &c.—1. The Honorable George Hayward, the Honorable Charles Harrison, William Scoullar, Whitehead S. Barker, Thomas O. Miles, Nathaniel Hubbard, William Burpe, Thomas Harrison, Enoch Lunt, Isaac Burpe, Enoch Barker, Moses Coburn, Thomas Bridges, Stephen Burpe, John S. Taylor, James Hamilton, James Harrison, Jacob Tilley, Charles B. Barker, W. C. Burpe, George Burpe, Thomas B. C. Burpe, their associates, successors, and assigns, shall be and they are hereby erected into a body politic and corporate, by the name of “The Sunbury Steam Factory Company,” and shall have all the powers incident to a Corporation by Act of Assembly in this Province, for the purpose of erecting Steam Mills and necessary works for the manufacture of Agricultural and other implements, and for other purposes connected therewith, and for carrying on and managing the same.

2. The capital stock of the said Corporation shall be two thousand pounds of current money of this Province, and shall be divided into two hundred shares of ten pounds each, to be paid in at such times and in such instalments as the business of the said Company shall require; provided that twenty five per centum of the capital stock of the said Company, amounting to five hundred pounds, shall be actually paid in and invested in the business of the said Corporation within two years after the passing of this Act; and provided also, that the

said Corporation shall not be entitled to purchase any property, real or personal, or to incur any debts, until the said amount of twenty five per centum of the capital stock shall have been paid in.

3. The first meeting of the said Corporation shall be held at the Hall in the Parish of Sheffield, in the County of Sunbury, and shall be called by William Burpe, or in case of his death, neglect, or refusal, by any two of the said Company, by giving notice in the Royal Gazette, or other Paper printed in Fredericton, at least thirty days previous to such meeting, for the purpose of establishing bye laws, choosing five Directors, and such other officers as may be deemed necessary for the management of the affairs of the said Company, which Directors and officers so to be chosen shall serve till the first annual meeting, or until others are chosen in their stead, and shall have full power and authority to manage the concerns of the said Company, subject to the rules and regulations hereinafter provided; provided always, that so soon as the said capital stock of two thousand pounds shall have been paid in and expended for the purposes by this Act provided, it shall and may be lawful for the said stockholders, at any general meeting to be for that purpose called, to increase the said capital stock from time to time in such sum or sums as they may deem expedient, to a sum not exceeding ten thousand pounds, which additional capital stock shall be divided into shares of ten pounds each.

4. A general meeting of the stockholders of the said Corporation shall be held on the first Tuesday in June in each and every year, for the purpose of choosing five Directors and such other officers as may be necessary for the management of the affairs of the said Corporation, which Directors so chosen shall remain in office for one year, or until others are chosen in their stead, and shall at their first meeting after their election choose one of their number President of the said Company; provided that not less than three Directors do form a quorum for the transaction of business, and in case of the absence of the President, the Directors shall have power to appoint one of their number Chairman for the occasion.

5. No person shall be eligible as a Director unless such person is a stockholder, and holds not less than three shares of

the capital stock of the said Corporation, and is of the full age of twenty one years.

6. The number of votes to which each shareholder shall be entitled on every occasion when in conformity to the provisions of this Act the votes of the stockholders are to be given, shall be in proportion of one vote to each share of stock, and absent stockholders may vote by proxy, provided such proxy be a stockholder and produce sufficient authority in writing.

7. The shares in the said Corporation shall be assignable and transferable according to such rules and regulations as may be established in that behalf, but no assignment or transfer shall be valid or effectual unless entered or registered in a book to be kept by the Directors for that purpose, and in no case shall any fractional part of a share, or other than a complete share or shares, be assignable or transferable; provided that when any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company, he shall cease to be a member of the said Corporation.

8. The joint stock and property of the said Company shall alone be responsible for the debts and engagements of the same.

9. All shares in the said Company shall be numbered in progressive order, beginning at number one, and every member of the said Company shall have a certificate under the seal of the said Corporation, and signed by the President and Secretary thereof, certifying his property in such shares as shall be expressed in the certificate.

10. The said Company shall have power to levy and collect upon the shares from time to time such sum or sums of money as shall be adjudged by such Corporation necessary for the payment of any debts of the said Corporation, and for the purchase of such real and personal estate, and the erecting such buildings, procuring necessary machinery, and other things as may be deemed necessary and requisite for carrying on the business of the said Corporation, and for defraying the necessary expenses of managing and conducting of the same; and whenever any assessment shall be made by the stockholders of the said Company, it shall be the duty of the Secretary or Agent thereof to give notice of such assessment in the Royal Gazette or some other Newspaper printed in Fredericton,

requiring payment of the same within sixty days; and if any stockholder shall neglect or refuse to pay to the Secretary or Agent the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the Secretary or Agent to advertise all such delinquent shares for sale at public auction, giving at least thirty days previous notice of the time and place of such sale; and all shares upon which the assessment is not then paid, with interest from the time when such assessment became due, shall be sold to the highest bidder, and after retaining the amount of assessment, and interest due on the same, and the expense of advertising and selling, the residue (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchaser or purchasers of the same; provided always, that such assessment or assessments shall not in the whole exceed the amount of the capital stock appointed by this Act, or the capital stock to be increased as hereinbefore directed; and also provided, that no assessment shall be made except by a vote of the stockholders, and a majority of all the shares.

11. Special meetings of the said Company may be called by the Secretary or Agent, under the authority of the Directors, or of the stockholders representing not less than twenty five shares of stock, thirty days notice at least of the time and place of such meeting being given in some Newspaper published in Fredericton, or by personal notice.

12. Provided always, that unless fifty per centum of the said capital stock shall be paid in for the purposes of this Act, and a certificate of such payment signed and verified on oath by the Directors, or a majority of them, before any Justice of the Peace, shall be filed in the Office of the Secretary of the Province before the expiration of five years next after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation shall be terminated at the end of the said five years.

MANUFACTURING COMPANY.

17th VICTORIA—CHAPTER 2.

An Act to incorporate the Albert Manufacturing Company.

Section.

1. Company incorporated with general powers.
2. Capital; power to increase; votes; payment of stock.
3. First meeting to organize the Company.
4. Annual meeting for choice of Directors.

Section.

5. President and officers; appointment and general powers.
6. Shares to be personal property and assignable.
7. Liability for debts.
8. Forfeiture of Act, how incurred.
9. Right of way, how obtained.

Passed 20th March 1854.

WHEREAS the Township of Hillsborough, in the County of Albert, possesses advantageous situations for the building of Mills for manufacturing lumber, plaster, and other articles, and for quarrying plaster, lime stone, marble, and free stone, and for mining purposes: And whereas in order to procure the requisite capital, it is desirable to incorporate into a body politic and corporate such persons as may be willing to advance funds for such undertaking;—

Be it therefore enacted, &c.—1. Calvin Tomkins, William H. Steeves, and Walter Tomkins, and their associates, successors, and assigns, be and they are hereby erected into a body politic and corporate, by the name of “The Albert Manufacturing Company,” and by that name shall have a common seal, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all Courts and places whatever, and shall have power and authority to purchase, hold, and enjoy lands, tenements, and hereditaments, for them, and their successors and assigns, and all other powers and privileges now incident to a Corporation by Act of Assembly of this Province, for the purpose of building a Mill for manufacturing lumber, plaster, and other articles, and trading in the said articles; quarrying plaster, lime stone, free stone, marble, and other building materials, and trading in the same, and conveying the same to market; opening and working mines, and transacting other business connected therewith; and constructing and making such railroads or other description of roads as may be deemed necessary for the transportation of such articles from the quarries to the place of shipment; and also that they the said Company, or a majority of them, shall from time to time and at all times have full power and

authority to constitute, ordain, make, and establish such bye laws and ordinances as may be deemed necessary for the good rule and government of the said Corporation, provided that such bye laws and ordinances be not contradictory or repugnant to the laws and statutes of this Province, and those in force within the same.

2. The capital stock of said Corporation shall be fifty thousand pounds current money of the Province of New Brunswick, with liberty to increase the same to the sum of one hundred thousand pounds, to be divided into shares of twenty five pounds each, to be paid in at such times and instalments as the business of the said Company shall require; and every person who shall be the holder of one or more shares, shall be entitled to vote either in person or by proxy, having one vote for each share as aforesaid; and it shall be lawful for said Corporation to take lands, quarries, buildings, wharves, machinery, mining rights or privileges, in the place of money, in payment of any instalment or instalments due on any stock subscribed therein, at such valuation as a majority of all the subscribers shall fix, said payment to become void if satisfactory titles or conveyances to the Corporation be not made at such a period as said Corporation may by any bye laws or vote direct after its organization.

3. The first meeting of the said Corporation shall be held at Hillsborough, in the County of Albert aforesaid, and shall be called by William H. Steeves, or in case of his death, neglect, or refusal, by any two of the said Company, by giving notice in one or more Papers printed in the City of Saint John, in this Province, at least thirty days previous to such meeting, in order to organize the said Company, and for the purpose of establishing bye laws, and choosing such number of Directors as by the said bye laws may be prescribed; which Directors so chosen shall continue in office until the first annual meeting, or until re-election, or others are chosen in their stead; and the members of the said Company, or shareholders present or appearing by proxy, shall organize said Company, establish bye laws, and choose Directors of the said Company, by a majority of votes.

4. The shareholders shall meet annually at such time and place as may be appointed and regulated in and by the bye

laws of said Company, at which meeting the shareholders present in person, or by proxy, may either continue in office the Directors before appointed, or any number of them, or may elect a new body of Directors to supply the place of those not continued in office ; provided always, that the omission to meet shall work no forfeiture, but the shareholders may be afterwards called together for that purpose, by one or more of the Directors of the said Company for the time being, or by any three of the shareholders.

5. The Directors of the said Company, or a majority of them, shall choose a President and such other officers as they may deem necessary, who shall hold their respective offices until others are chosen in their stead ; and the Directors, or a majority of them, shall have full power and authority to manage the concerns of said Corporation, subject to the bye laws thereof, and the regulations herein contained ; may appoint and employ any agent or other persons by them deemed necessary, and may declare dividends of the profits according as the interest of the Company may admit or require ; but no person shall be eligible as a Director unless such person is a stockholder, and over twenty one years of age ; nor shall any sale or purchase of real estate be made by them, except by consent of two thirds of the stockholders, voting as provided in Section second.

6. The shares of capital stock in the said Corporation shall be deemed personal property, and each shareholder thereof shall be entitled to a certificate for the number of shares subscribed or held by him, which certificate shall be signed by the President and Clerk or Secretary of the said Corporation, and shall certify the property of such shareholder in the said shares ; and the shares of the said Corporation shall be assignable in such manner and form as the bye laws may prescribe, and the assignee of any share or shares shall be a member and stockholder in the said Company ; and whenever any shareholder shall assign or transfer all of his stock or shares in the said Corporation, he shall cease to be a member thereof.

7. The joint stock and property of the said Company shall alone be responsible for the debts and engagements of the same.

8. Provided always, that unless ten per cent. of the capital stock shall be paid in for the purposes of the Corporation, and a certificate of such payment signed and verified on oath by

the said Directors, or a majority of them, (which oath any Justice of the Peace is hereby authorized to administer) shall be filed in the Office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said three years.

9. And whereas also it may be necessary for the said Corporation to obtain a right of way for a railroad or other road, over the lands of other persons, from their quarries to their wharves or places of shipment ;—In case where the Corporation cannot amicably agree with any person or persons as to the value of, or damage done to his or their lands, by the making of any necessary railroad or other road by the said Corporation, from their said quarries to their wharves or place of shipment, then it shall and may be lawful for the said Corporation to obtain from two Justices of the Peace for the County where the said lands may lie, an appointment in writing under their hands, of five disinterested freeholders of said County, who shall under oath to be administered by either of such Justices, appraise the fair value of the land to be appropriated for said railroad or other road, or the damages thereof, to the said party or parties over whose land the same may pass ; and upon the payment by the said Corporation of the amount of such value or damages to said party or parties, or upon a legal tender of the same by the Corporation or their Attorney for that purpose appointed, it shall and may be lawful for the said Corporation, by their servants, agents, or hired men, without further notice, to construct such railroad or other road, and to pass and repass over the same at all times and with such things and in such manner as they may think fit ; provided that if the owner or owners of any such land required for the purpose of such railroad or other road, be absent out of this Province, or cannot be found therein, or be incapacitated by reason of insanity, infancy, coverture, or other disability, to receive said money or a tender thereof, then payment by the said Corporation of the amount appraised to such absent or incapacitated person may be made into the Court of Chancery of this Province, for the use of the party entitled thereto, and such payment into Court shall be an equivalent for a payment or tender to the party as above prescribed.

HOME FACTORY COMPANY.**17th VICTORIA—CHAPTER 16.****An Act to incorporate the York Woollen and Home Factory Company.****Section.**

1. Corporation, how constituted.
2. Capital Stock, and number of shares.

Section.

3. Stock, what amount to be paid in; time, mode, and effect.

Passed 1st May 1854.

WHEREAS this Province is well adapted for the raising of Sheep and the produce of Wool, and it is very desirable for the better promotion of sheep husbandry, the supply of the people with woollen cloths and other domestic productions, and for the interest of the Province generally, that a Home Factory should be established;—

Be it therefore enacted, &c.—1. Spafford J. Barker, Robert Chestnut, Frederick W. Hatheway, Joseph Gaynor, George E. Perley, John S. Coy, the Honorable L. A. Wilmot, James S. Conner, George Troughton, William Grosvenor, John T. Smith, Thomas T. Smith, George S. Winter, James S. Beek, David S. Kerr, Thomas Pickard, Thomas R. Robertson, William J. Bedell, John L. Marsh, William C. Treadwell, the Reverend William H. Shore, Richard Dunn, Robert Fulton, John M'Intosh, Robert Sutherland, Henry Rutter, and all and every such other person and persons as shall from time to time become proprietors of shares in the Corporation hereby established, their successors and assigns, shall be and are hereby erected into a Company, and declared to be a body politic and corporate, by the name of "The York Woollen and Home Factory Company," and by that name shall have all the general powers and privileges made incident to Corporations by Act of Assembly in this Province.

2. The capital stock of the said Company shall be four thousand pounds, the whole amount of which to be divided into eight hundred shares of five pounds each, with power on behalf of the stockholders from time to time, at any general meeting to be for that purpose called, to increase the said capital stock to any sum not exceeding ten thousand pounds.

3. Provided always, that unless one eighth part of the said capital stock shall be actually paid in for the purposes of the

said Company, and a certificate of such payment signed and verified on oath by the Directors of the said Company, or a majority of them, (which oath any Justice of the Peace is hereby authorized to administer) and filed in the Office of the Secretary of the Province before the expiration of two years after the passing of this Act, the operation of this Act shall cease, and the existence of the said Company be terminated at the expiration of the said two years.

TIMBER BENDING COMPANY.

17th VICTORIA—CHAPTER 26.

An Act to incorporate the British American Timber Bending Company.

Section.

1. Corporation, how constituted.
2. Capital stock.
3. First meeting.
4. Bye Laws, when to be made, and Directors when chosen.
5. Annual meeting.
6. Qualification of Directors.
7. Stockholders' votes.
8. Shares, when assignable.

Section.

9. When Directors may be chosen.
10. Joint stock, when responsible.
11. Power to make calls.
12. Power to collect calls.
13. Mode of declaring.
14. Evidence on trial.
15. Meetings, how called.
16. Operation of Act.

Passed 1st May 1854.

WHEREAS Letters Patent under the Great Seal of this Province have been granted to Thomas Blanchard for a new and improved method of bending Timber, and the said Patentee and his associates are desirous of being incorporated for the purpose of working the said Patent effectually;—

Be it therefore enacted, &c.—1. The said Thomas Blanchard, with Cogswell K. Green, John L. Tucker, J. Vincent Browne, Israel DeWolf Andrews, James Reed, Robert Reed, William Wright, Richard Wright, and Moses Henry Perley, their associates, successors, and assigns, are hereby erected into a body politic and corporate, by the name of “The British American Timber Bending Company,” with all the general powers and privileges incident by law to a Corporation in this Province, for the purpose of working the Patent granted to the said Thomas Blanchard effectually, and for manufacturing purposes.

2. The capital stock of the said Company shall be fifty thousand pounds of current money of New Brunswick, which shall be divided into fifty thousand shares of one pound currency each, payable at such times and in such instalments as the business of the Company shall require, with power to the said Company when necessary, to extend the said capital stock to the sum of one hundred thousand pounds currency, either by increasing the number of shares accordingly, or by assessing such increase upon the original number of shares.

3. The first meeting of the Company for organizing the same, shall be held at the City of Saint John; it shall be called

by the aforesaid Moses Henry Perley, or in case of his death, neglect, or refusal, by any two of the persons mentioned in the first Section, notice being given at least twenty days previous to such meeting, in one of the Newspapers published in the said City.

4. At such first meeting, bye laws shall be established, and five Directors chosen, who shall serve until the first annual meeting, or until others are chosen in their stead; they shall have full power to manage the affairs of the Company, subject to the provisions of this Act.

5. A general meeting of the shareholders in the said Company shall be held annually at the City of Saint John on the second Tuesday in June, for the purpose of choosing five Directors, who shall remain in office for one year, or until others are chosen in their stead; as soon as convenient after their election, they shall choose one of their number President of the Company, but not less than three Directors shall form a quorum for the transaction of business; and in case of the absence of the President, the Directors shall appoint one of their number Chairman for the occasion.

6. No person shall be eligible as a Director unless he holds at least one hundred shares of the capital stock of the Company, and is of the full age of twenty one years.

7. On every occasion when the votes of the shareholders are to be given, the number of votes shall be in the proportion of one to each share of stock; absent shareholders may vote by proxy, provided the proxy be a shareholder and produce sufficient authority in writing.

8. The shares of the Company shall be transferable according to such regulations as shall be established by the bye laws; but no transfer shall be complete or effectual until registered in a book to be kept by the Directors for that purpose; in no case shall the fractional part of a share be transferable; and whenever any shareholder shall transfer all his shares in the Company, he shall cease to be a member thereof.

9. If it happens that the Directors are not chosen on the second Tuesday in June in any year, they may be chosen on any other day, between the hours of eleven in the forenoon and three in the afternoon of such day, fourteen days notice

being given of the time and place of meeting, in one or more of the Newspapers published in the City of Saint John. If a Director shall be removed by the shareholders for misconduct or mal-administration, his place shall be filled up by the shareholders, fourteen days notice of the time and place of meeting for that purpose being given in like manner; and in case of a vacancy among the Directors by death, resignation, absence, or disqualification by transfer of stock, the vacancy shall be filled by the Directors choosing a duly qualified shareholder, and the Director so chosen by the shareholders or Directors, shall serve until another is chosen in his place.

10. The joint stock and property of the Company shall alone be responsible for the debts and engagements of the same.

11. The said Company shall have power from time to time to make and collect calls upon its shares, of such sums as may be necessary for carrying on its business; and when any call is made, the Treasurer shall give notice thereof in one of the Newspapers printed in the City of Saint John, requiring payment of the same within thirty days, at the office or place of business of the Company; in case of non-payment, the delinquent shares may be sold at public auction after thirty days notice, to the highest bidder; and after retaining the amount of the call and interest on the same, and all expenses, the residue (if any) shall be paid over to the former owner, and a new certificate of the shares sold shall be made out and delivered to the purchaser; provided always, that no call shall be made except by a vote of the shareholders, and by a majority of all the shares.

12. If a shareholder shall fail to pay the amount of a call made by the Company, or any part thereof, the Company may sue such shareholder for the amount in any Court having jurisdiction, and recover the same with interest and costs.

13. In such action it shall be sufficient for the Company to declare that the defendant is holder of one share or more in the Company, [*state the number of shares*] and is indebted to the Company in the sum to which the call in arrear shall amount, in respect of one call or more upon one share or more, [*state the number and amount of such calls*] by means of which an action hath accrued to the Company by virtue of this Act.

14. On the trial it shall be sufficient to prove that the de-

fendant, at the time of making the call, was the holder of one share or more in the said Company ; that such call was in fact made ; it shall not be necessary to prove any other matter whatsoever ; and thereupon the Company shall be entitled to recover what is due upon such call, with interest and costs.

15. All meetings of the Company shall be called by public notice being given of the time and place in a Newspaper printed in the City of Saint John, seven days at least before the time of meeting ; special meetings may be called by the authority of the Directors, or by shareholders representing not less than five thousand shares of stock, upon giving the like notice.

16. Unless fifteen per cent. of the capital stock of the said Company shall be actually paid in for the purposes thereof, and a certificate, verified on oath by the Directors, or a majority of them, (which oath any Justice of the Peace is hereby authorized to administer) shall be filed in the Office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of the same shall cease, and the existence of the Company be terminated at the expiration of the said three years.

APPENDIX.

No. 1.

CHARTER OF CITY OF SAINT JOHN.

GEORGE the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth. To all to whom these presents shall come, or may in any wise concern, Greeting:

Whereas our loving subjects the inhabitants of the Town or District of Parr, lying on the east side of the River Saint John, and of Carleton on the west side thereof, at the entrance of the River Saint John aforesaid, both which Districts are in our Province of New Brunswick, in America, have by their petition to our trusty and well beloved Thomas Carleton, Esquire, our Governor and Commander in Chief in and over our said Province, represented that they have, by their exertions, conquered many of the difficulties attending the settlement of a new country; and that they are anxious to remove the remaining evils they at present labour under, part of which flow from the want of a regular Magistracy for the able and orderly government of the Districts they inhabit: And whereas they have also represented, that they humbly conceive one important step towards this desirable end, would be granting them a Charter of Incorporation, under the sanction of which they might be enabled to ordain such bye laws and regulations as their peculiar wants and rapid growth urgently call for: That the advantages to be derived from a charter, empowering them to establish such ordinances as are requisite for the good government of a populous place are so obvious, they think it necessary only to hint at them; but that the speedy administration of justice both civil and criminal, will be so greatly aided by the erecting a Mayor's Court and Quarter Sessions, they humbly hope this consideration alone will be sufficient to induce a compliance with their request; and have confidently promised

that their prudent use of the liberties so to be granted them will justify the favour : And whereas our said loving subjects, impelled by the foregoing reasons, have humbly petitioned the said Thomas Carleton, Esquire, our Governor aforesaid, for a Charter comprehending the said districts on both sides of the River Saint John, erecting the whole into one City, to be called the City of Saint John, and conferring on the Corporation the several powers and privileges usually granted to mercantile towns for the encouragement of commerce, and found by experience conducive to the protection and support of the upright part of the community ; as by the said petition, recourse being thereunto had, may more fully and at large appear ;—

Now therefore know ye, That having taken the same into our royal consideration, and being willing, as well for the reasons above set forth as for divers other good causes and considerations us moving, to comply with the reasonable request and humble petition of our said loving subjects, of our especial grace, certain knowledge and mere motion, we have given and granted, and by these presents for us, our heirs and successors, do give and grant unto our said loving subjects the inhabitants of the said Districts, as they are hereby united, that the said Districts, and all the lands and waters thereto adjoining or running in, by or through the same, bounded by a line to commence and beginning near Fort Howe, at Portland Point, at low water mark, and thence running a direct line to a small point or ledge of land at the causey by the old saw mill, thence east north east until a direct line shall strike the creek running through Hazen's marsh on the east side of the eastern District aforesaid, thence along the course of the said creek to its mouth, thence by a line running south nineteen degrees west into the bay, until it meets a line running east from the south point of Partridge Island, and along the said line to the said point, thence by a direct line to a point on the shore which is at the south east extremity of a line running south forty two degrees east from the River Saint John to the Bay of Fundy, and terminating the Town lots of the western District aforesaid, thence along the said line north forty two degrees west to the River Saint John aforesaid, and continuing the said course across the said river until it meets

the opposite shore, and from thence along the north shore of the said river at low water mark to Portland Point aforesaid, and every part and parcel thereof, are and shall for ever hereafter be a City incorporate of a Mayor, a Recorder, six Aldermen and six Assistants, by the name of the City of Saint John. And the said Districts and every part thereof, as well the land as the water, and the land covered with water, within the lines, limits and boundaries aforesaid, a City incorporate in right and name, by the name of the City of Saint John, we do really and fully create, make, ordain, constitute, declare and confirm by these presents. And further of our especial grace we have given, granted, ordained, constituted, appointed and declared, and by these presents, for us, and our heirs and successors, do give, grant, ordain, constitute, appoint and declare, that the Inhabitants of the said City of Saint John, and the Mayor, Recorder, Aldermen, and Assistants thereof, are, and from henceforth for ever hereafter shall be one body corporate and politic in deed, fact and name, by the name of the Mayor, Aldermen and Commonalty of the City of Saint John; and them by the name of the Mayor, Aldermen and Commonalty of the City of Saint John, we do really and fully create, make, ordain, constitute, appoint and declare, by these presents; and that by the name of the Mayor, Aldermen and Commonalty of the City of Saint John, they may have perpetual succession. And that they and their successors for ever by the name of the Mayor, Aldermen and Commonalty of the City of Saint John, be and for ever hereafter shall be persons able and in law capable to have, get, receive, take, possess and enjoy houses, lands, tenements, rents, reversions, remainders, royalties, franchises, jurisdictions, pre-eminences, immunities and hereditaments, to them and their successors in fee simple, or for term of life or lives or years or otherwise, and also goods and chattels; and all other things whatsoever whether real, personal or mixt: and also to give, grant, let, set or assign the same or any part thereof; and to do and execute all other things in and about the same, as they shall think necessary, fit or good for the benefit and advantage of the said City and the inhabitants thereof: And also that they be and for ever shall be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend

and be defended, before us, our heirs and successors, and in all or any of our courts of law and equity, and other places whatsoever, and before our or any of our judges, justices, ministers, and other person and persons whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever, in as full and ample a manner as any other person or persons whatsoever, being persons able and in law capable, may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, by any lawful ways or means whatsoever; and that they and their successors for ever shall have a Common Seal, to serve for the ensealing of all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreements, assignments, powers and warrants of attorney, and all and singular their affairs and things touching or concerning the said Corporation; and the same seal they shall have power from time to time, as they shall think proper, to break, change, alter and new make, so as that at the same time there doth not exist any more than one Common Seal for the purposes aforesaid.

And further we do ordain and appoint by these presents, that for the better government of the said City, the same shall for ever hereafter be and remain divided into six wards, in the following manner, to wit, four of the said wards which shall be on the east side of the said harbour shall be separated from the other two which lie on the western side thereof, by a line to be run through the middle of the said harbour, and of the bay at the entrance of the same: And the said four wards on the eastern side of the said harbour, shall be separated from each other by a south line commencing at the north end of the said City in the middle of Sidney street, and to run south through the middle of the said street, and to continue the same course into the bay until it comes to the line of the limits of the said City; and by a line east and west to be run and continued through the middle of Duke street until it reaches the middle of the harbour aforesaid on the west side of the said four wards, and until it comes to the line of the eastern limits of the said City. And the said two wards on the western side of the said harbour shall be separated from each other by a direct line to be run from the line terminating the town lots on the south west limits, and continued through the middle of Rodney street

until it reaches the middle of the harbour aforesaid. And we do further ordain that the north west ward on the east side of the said harbour shall for ever be called **King's Ward**; and that the south west ward on the east side of the said harbour shall be for ever called **Queen's Ward**; and that the north east ward on the east side of the said harbour shall be for ever called **Sidney Ward**; and that the south east ward on the east side of the said harbour shall be for ever called **Duke's Ward**; and that the westernmost ward on the west side of the said harbour shall for ever be called **Guy's Ward**; and that the easternmost ward of the said west side of the harbour shall for ever be called **Brook's Ward**.

And we do further of our special grace, certain knowledge and mere motion, for us, our heirs and successors, will, ordain, give and grant that there be, and for ever hereafter shall and may be, one Mayor, one Recorder, six Aldermen, six Assistants, one Sheriff, one Coroner, one Common Clerk, one Chamberlain, one High Constable, six Constables and two Marshals, appointed, nominated, elected, chosen and sworn, out of the freeholders or freemen, inhabitants of the said City, in manner and form as hereinafter is particularly mentioned. And for the better execution of our will, gift and grant in this behalf, we have assigned, named, constituted and made, and by these presents for us, our heirs and successors, do assign, name, constitute and make our trusty and well beloved Gabriel G. Ludlow, Esquire, one of our Council for our said Province of New Brunswick, to be the present Mayor of the same City, to do and execute all things which unto the office of Mayor of our said City doth or may belong or in any wise appertain; to continue, and be continued in, and to execute the said office of Mayor until another fit person shall be appointed and sworn in the said office. And we do moreover, for us, our heirs and successors, give and grant unto the said Mayor and his successors, and to the Mayor of the said City for the time being, and to each of them for ever, full power and authority to depute and appoint the Recorder of the said City for the time being, in the place of the Mayor of the said City, for the time being, and as his deputy in all matters and respects to act and do all things which to the office of the Mayor of the said City, within the limits, liberties and precincts thereof, do or ought to belong,

during the sickness or in the absence of the said Mayor, for the time being. And we do hereby will and grant, that every such Recorder, so to be deputed and appointed, after taking such oath as hereinafter is directed for every such deputy to take, shall have as full power and authority to act and do, in the sickness or absence of the Mayor of the said City for the time being, all and singular those things which to the office of Mayor of the said City belong or shall belong or appertain, to all intents and purposes as the Mayor of the said City, for the time being, by virtue of these presents, or otherwise hath, shall or ought to have. And we do further for us, our heirs and successors, will, ordain and grant, that in case it shall so happen that the said present Mayor of the said City, or any of his successors, or any of the Mayors of the said City for the time being, shall die, before any other fit person shall be appointed and sworn Mayor of the said City in their respective rooms and places, then, in every such case, upon the death of such Mayor, such Recorder for the time being, who shall have been so appointed and sworn to act in the place of or as deputy to such Mayor, shall be and is hereby appointed and declared Mayor of the said City, and to continue and be continued in, and to execute the same office of Mayor of the said City, from the death of such Mayor so dying, until another fit person shall be appointed and sworn Mayor of the said City, in such manner as in and by these presents is hereafter directed for the said Mayor of the said City, to be appointed and sworn; and so as often as such case shall happen; which accession of the said Recorder to the office of Mayor of the said City, shall not operate as a *supersedeas* to the authority or commission of the Recorder of the said City, but the said Recorder shall hold, exercise and enjoy, as well the office of Mayor as the office of Recorder of the said City, until another fit person be appointed and sworn Mayor of the said City.

And further we have assigned, ordained, named and constituted, and by these presents for us, our heirs and successors, do assign, ordain, name and constitute our well beloved Ward Chipman, Esquire, to be the present Recorder of the said City, to do and execute all things which unto the office of Recorder of the said City do or may belong or in any manner appertain, and to continue and be continued in and exercise the said office

of Recorder, until another fit person shall be appointed and sworn in the said office. And further we have named, ordained and constituted, and by these presents for us, our heirs and successors do ordain and constitute our beloved Bartholomew Crannell, Esquire, to be the present Clerk of the said City, who shall be, and be called, the Common Clerk of the said City, who by himself or his sufficient deputy and deputies, is hereby authorized to do, act and execute, all and singular those things which any Common Clerk of or in any City, Borough or Town incorporated, any where in that part of our kingdom of Great Britain called England, by virtue of his office, or which such Common Clerk of the said City of Saint John, by virtue of these our letters may, can or ought to do; and to continue and be continued in the said office of Common Clerk until another fit person shall be appointed and sworn in the said office. And we do further, for us, our heirs and successors, assign, name, constitute, ordain and appoint George Leonard, Thomas Menzies, William Paine, William Pagan, Stephen Hoyt and John Holland, Esquires, inhabitants of the said City of Saint John to be the present Aldermen of the said City, and John Colvill, Munson Jarvis, Richard Seaman, Fitch Rogers, John Ness, and Adino Paddock, Gentlemen, to be the present Assistants of the said City; to wit, the said George Leonard to be Alderman, and John Colvill to be Assistant, for King's Ward; the said Thomas Menzies to be Alderman, and the said Munson Jarvis to be Assistant, for Duke's Ward; the said William Paine to be Alderman, and the said Richard Seaman to be Assistant for Sidney Ward; the said William Pagan to be Alderman, and the said Fitch Rogers to be Assistant, for Queen's Ward; the said Stephen Hoyt to be Alderman, and the said John Ness to be Assistant, for Brook's Ward; and the said John Holland to be Alderman, and the said Adino Paddock to be Assistant, for Guy's Ward. And we do hereby nominate and appoint the said George Leonard to be the present Chamberlain and Treasurer of the said City; and James Stewart and Amos Arnold to be the present Marshals and Serjeants at Mace of the said City; and Ebenezer Holly to be the present High Constable of the said City. And we do also hereby appoint Lodwick Cypher to be Constable of King's Ward, James Birmingham to be Constable of Queen's

Ward, Philip Henriques to be Constable of Sidney Ward, James M'Neal to be Constable of Duke's Ward, William Cooper to be Constable of Brook's Ward, John M'Gill to be Constable of Guy's Ward, in the said City. And we do for us, our heirs and successors, assign, ordain and constitute William Sanford Oliver, an inhabitant of the said City, to be the present Sheriff of the said City, to hold, exercise, enjoy and execute the said office of Sheriff, until the first Tuesday in April next, and from thence until another fit person shall be appointed and sworn in the said office. And we do further assign, ordain and constitute John Hazen, an inhabitant of the said City, to be the present Coroner of the said City, to do and execute all things which unto the office of Coroner of the said City do, shall or may belong, and to continue and be continued in the said office of Coroner, and execute the same office, until another fit person shall be appointed and sworn in the said office.

And we do hereby will and ordain, that each and every the before named Aldermen, Assistants, Chamberlain, Coroner, High Constable and Marshals, and all and every the before named Constables, on their being respectively sworn in their respective offices as hereafter is directed, shall continue in their respective offices, until the first Tuesday in April next ensuing the date hereof, and from thence until other fit persons be respectively chosen, appointed and sworn, in their respective rooms and places, in manner and form as is hereinafter directed. And we do also further ordain, order and declare, for us, our heirs and successors, that as well the before named Sheriff, as every other person and persons hereafter to be appointed for or to the office of Sheriff of the said City, before he or they shall be permitted to exercise the said office, shall each of them give and enter into bond, to us, our heirs and successors, with two or more sureties, in a penalty not less than one thousand pounds, conditioned for the faithful and due execution of the said office, in such manner as the Governor and Commander in Chief of our said Province of New Brunswick, for the time being, shall think fit to appoint; and the before named Sheriff on his giving such security and having taken such an oath as hereafter is directed, shall continue in the said office until the third Tuesday in April next, and from thence until another fit

person is appointed and sworn into the said office, and has given such security as aforesaid. And we do further hereby will and ordain, that the said Mayor, Recorder, Common Clerk, Sheriff and Coroner, hereby appointed, shall and may continue in and hold, exercise and enjoy, their said respective offices, for and during our good pleasure, and their residence within the said City of Saint John, and until another fit person or persons shall be sworn in his or their stead respectively, and no longer. And further we do, will, and ordain, and for us, our heirs and successors, do hereby grant to the said Mayor, Aldermen and Commonalty of the City of Saint John and their successors, that in all appointments and grants from time to time hereafter to be made by us, our heirs and successors, of the offices of Mayor, Recorder, Common Clerk, Sheriff and Coroner of the said City, the person to be appointed Mayor of the said City shall be a fit, discreet and reputable freeholder and inhabitant of the said City; and that the persons to be appointed Recorder of the said City and Common Clerk of the said City, and each and every of them, shall be fit, discreet and reputable inhabitants and freemen of the said City, and of good capacity and understanding, and skilful in the laws of England and of the said Province of New Brunswick, and shall have been admitted and sworn Attorneys respectively, of our Supreme Court for our said Province of New Brunswick; and that the person to be appointed to the said office of Sheriff shall be a fit, discreet and reputable freeholder and inhabitant of the said City; and that the person to be appointed to the office of Coroner of the said City, shall be a fit, discreet and reputable freeman and inhabitant of the said City; and that each and every such Mayor, Recorder, Common Clerk, Sheriff and Coroner, shall hold, exercise and enjoy their said offices respectively, for and during our pleasure and their residence within the said City of Saint John, and until other such fit persons shall be sworn in the said offices respectively in their stead, and no longer.

And further, we do, for us, our heirs and successors, appoint and ordain, that the Governor or Commander in Chief of the said Province of New Brunswick, for the time being, by and with the advice of the Council of us, our heirs and successors for the said Province, can have full power and authority, from

time to time, to name, constitute and appoint any person to be Mayor, Recorder, Common Clerk, Sheriff, or Coroner, for the said City of Saint John. And further, we do ordain and appoint, that the Governor or Commander in Chief for the time being, by and with the advice of the Council of us, our heirs and successors for the said Province for the time being, shall and may, on the first Tuesday in April in every year, name and appoint a fit, discreet and reputable person, of the freeholders and inhabitants of the said City of Saint John, to be Mayor of the said City for the ensuing year ; and one other fit, discreet, and reputable person of the freeholders and inhabitants of the said City, to be Sheriff of the said City for the ensuing year ; and one other such person to be Coroner of the said City for the ensuing year.

And we do further ordain and appoint, that on the said first Tuesday of April in every year for ever hereafter, the freemen of the said City, being inhabitants, and the freeholders of each respective ward in the said City, shall and may assemble themselves and meet together, at such time of the day, and such public place, in each of the said respective wards, as each respective Alderman for each respective ward for the time being shall appoint ; and then and there, by a plurality of their voices or votes, to elect and choose, out of the inhabitants of each respective ward, being freeholders there or freemen of the said City, for the ensuing year, one Alderman, one Assistant and one Constable. And also that the Mayor, Recorder, and three or more Aldermen, and three or more of the Assistants of the said City for the time being, on the said first Tuesday in April in every year for ever hereafter, shall and may, in Common Council, name and appoint one fit person, being a freeholder or freeman, and an inhabitant of the said City, to be Treasurer or Chamberlain of the said City for the year ensuing. And also that on the same day in every year, for ever hereafter, the Mayor of the said City for the time being, shall name and appoint one other of the said inhabitants, being a freeholder or freeman of the said City, to be High Constable of the said City for the year ensuing ; every of which persons so to be named, for the Mayor, Coroner, High Constable, or Chamberlain, or so to be elected for Alderman, Assistant or Constable, shall on the third Tuesday of April then next

ensuing their nomination or election respectively, take the respective oaths hereinafter appointed for them respectively to take, in such manner and form as hereinafter is directed ; and shall continue in their said respective offices from their being so respectively sworn, until other fit persons be respectively named or elected and sworn in their respective rooms and places. And also that every person so to be named for Sheriff, on the first Tuesday in April, shall on the third Tuesday in April then next ensuing his nomination, take such oath as is hereafter appointed for each Sheriff to take, and shall give such security as is herein before appointed for each Sheriff to give, and shall remain in the said office from the time of his being so sworn and giving such security, until another fit person shall be appointed and sworn into the said office, and shall have given such security as aforesaid. And we do further for us, our heirs and successors, appoint and ordain, that if it should happen that either the Mayor, Recorder, Sheriff or Coroner of the said City, for the time being, at any time (before other fit persons be so as aforesaid respectively named and sworn in their respective rooms) should happen to die, then, and so often as it shall so happen, we do for us, our heirs and successors, will, ordain and direct, that the Governor or Commander in Chief of the said Province, for the time being, by and with the advice of the said Council for the said Province for the time being, may, can and shall, in some convenient time thereafter, name and appoint some fit, discreet and reputable person as aforesaid, being an inhabitant or freeholder of the said City, to be Mayor of the said City, in the room of such Mayor so dying ; and one other fit, discreet and reputable inhabitant and freeman as aforesaid, to be Recorder of the said City, in the room of such Recorder so dying ; and one other fit and able person as aforesaid to be Coroner of the said City, in the room of such Coroner so dying ; and one other fit and able person as aforesaid to be Sheriff of the said City, in the room of such Sheriff so dying ; and that every such person so to be named Mayor after having taken such oath as is hereby appointed for each Mayor to take, shall remain in and execute the said office of Mayor of the said City until another fit person be named and sworn into the said office of Mayor of the said City ; and every person so to be named

Recorder of the said City, after having taken such oath as is hereby appointed for each Recorder to take, shall remain in and execute the said office of Recorder of the said City, until another fit person be named and sworn into the said office of Recorder; and every person so to be named Coroner, after having taken such oath as appointed hereby for each Coroner to take, shall exercise and remain in the said office of Coroner of the said City, until another fit person be named and sworn into the office of Coroner of the said City; and every such person so to be named Sheriff, after having sworn and given such security, as is hereby appointed for each Sheriff to do, shall have, exercise, and remain in the said office of Sheriff of the said City, until the third Tuesday in April then next, and until another fit person be named and sworn in the said office of Sheriff, and shall have given such security as herein before is appointed for each Sheriff to give. And we do moreover, for us, our heirs and successors, will, and by these presents grant to the said Mayor, Recorder, Aldermen and Commonalty of the City of Saint John, and to their successors for ever, that if it should happen any of the present named Aldermen, Assistants or Constables, or any one of the Aldermen, Assistants or Constables hereafter to be elected and sworn, or to be sworn into their respective offices as aforesaid, shall happen to die or remove out of the said City, within the time they are or shall be respectively named or elected for, or before other fit persons be respectively named or elected, and sworn in their respective rooms, it shall and may be lawful for the freemen, being inhabitants in, and the freeholders of each respective ward, for such Alderman, Assistant or Constable so dying or removing had been named or chosen, to assemble and meet together at such time and place, in the said respective ward, as shall be appointed by the Mayor of the said City, for the time being, or his deputy, and then and there, by plurality of voices or votes of the freemen, being inhabitants in, and the freeholders of such ward, to elect one of the inhabitants of, and being a freeholder in such ward, or freeman of the said City, to serve as Alderman, Assistant or Constable for the said ward, in the room of such Alderman, Assistant or Constable so dying or removing; and so as often as such cases shall happen. And in case the present named, or any future

Chamberlain, or any High Constable of the said City, hereafter to be appointed, so sworn, or to be sworn in their respective offices aforesaid, should happen to die or remove out of the said City, within the time they were or shall be respectively appointed for, it shall be lawful for the Mayor of the said City for the time being, or his deputy, and three or more Aldermen and three or more Assistants for the said City, for the time being, in Common Council, to appoint another fit person to be Chamberlain, in the room of such Chamberlain so dying or removing; and for the Mayor of the said City, for the time being, to appoint another fit person to be High Constable, in the room of such High Constable so dying or removing; and so as often as such cases shall happen: And all and every such person and persons so to be newly chosen or appointed Alderman, Assistant, Constable, Chamberlain, or High Constable, shall serve in their respective offices until other fit persons be respectively chosen, or appointed, and sworn in their respective rooms; each of them first taking such oaths as hereafter is appointed for each of them respectively to take.

And we do further for us, our heirs and successors, ordain, grant and confirm, unto the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors for ever, that if any one of the inhabitants of the said City of Saint John, being a freeholder or freeman as aforesaid, shall hereafter be elected or chosen to the office of Alderman, Assistant or Constable, for any ward in the said City, or shall be appointed to be High Constable of the said City, and having notice of his said election, shall refuse, deny, delay or neglect, to take upon him or them to execute such office, to which he or they shall be so chosen or elected, and then and so often as it shall happen, it shall and may be lawful for the Mayor or his deputy, or Recorder, and any three or more of the Aldermen, and any three or more of the Assistants of the said City, for the time being, in Common Council, to tax, assess, and impose upon every such person or persons so refusing, denying, delaying or neglecting, such reasonable and moderate fine and fines, sum and sums of money, as they the said Mayor or his deputy, or Recorder, and any three or more Aldermen, and any three or more Assistants, in Common Council, shall think

fit ; so as such fine for each refusal, denial, delay or neglect, shall not exceed the sum of ten pounds current money of New Brunswick ; all which said fines shall and may be levied by distress and sale of the goods and chattels of such delinquent and delinquents, by warrant under the seal of the said City, signed by the Mayor thereof for the time being, rendering the surplusage to the owner or owners thereof, (if any be) the necessary charges of making and selling such distress being first deducted, or by action of debt, in any Court of Record, to be prosecuted, or in any other lawful method to be obtained ; and shall be recovered and received by and to the use of the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors for ever, without any account thereof to be given to us, our heirs or successors, or to any of the officers, or ministers of us, our heirs or successors : and upon every such refusal or neglect, other fit persons to be elected and chosen in the room and rooms of such person so neglecting or refusing, in such manner as is before directed or appointed for electing and choosing of Aldermen, Assistants and Constables, and for appointing a High Constable, upon the death or removal of any of them respectively ; and so often as such cases shall happen.

And further we do, of our special grace, certain knowledge, and mere motion, for us, our heirs and successors, give and grant unto the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors for ever, that the Mayor or Recorder, with three or more Aldermen, and three or more Assistants of the said City, for the time being, be, and shall be, for ever hereafter called the Common Council of the City of Saint John, and that the said Common Council of the said City, for the time being, or the major part of them, have and may, and shall have full power, authority and licence, to frame, constitute, ordain, make and establish from time to time, all such laws, statutes, rights, ordinances and constitutions which to them, or the greater part of them, shall seem to be good, useful or necessary for the good rule and government of the body corporate aforesaid ; and of all officers, ministers, artificers, citizens, inhabitants and residents of the said City within the limits thereof, and for declaring how and after what manner and order the Mayor, Recorder, Aldermen and Assistants of

the said City, for the time being, and all and every of their officers and ministers, and all artificers, inhabitants and residents of the same City, and their factors, servants and apprentices, in their offices, functions and business, within the said City and liberties thereof, for the time being, and from time to time shall use, carry and behave themselves; and for the farther public good, common profit, trade and better government of the said City, and for the better preserving, governing, disposing, letting and setting of the lands, tenements, possessions and hereditaments, goods and chattels to the aforesaid Mayor, Aldermen and Commonalty of the said City of Saint John belonging, or to them and their successors hereafter to belong; and all other things and causes whatsoever touching or concerning the said City, or the state, right and interest of the same; provided that such laws be not contradictory or repugnant to the laws or statutes of that part of our kingdom of Great Britain called England, or of our said Province; which laws, ordinances and constitutions, so to be made as aforesaid, may be, and remain in force, for twelve months from the day of the date thereof, and no longer, unless they shall be allowed of and confirmed by the Governor and Council of the said Province for the time being. And that the said Common Council of the said City for the time being, or the greater part of them, so often as they shall make, ordain and establish such laws, statutes, rights, orders and constitutions, in form aforesaid, may make, ordain, limit and provide, such and the like pains, punishments and penalties, either by fines and amerciaments, or by disfranchising and amoving from the liberties, privileges, immunities and freedom of the said City, or by either of them, towards and against all and every person that shall offend against such laws, statutes, rights, orders and constitutions, or any or either of them, as by the said Common Council, or the major part of them, shall be thought necessary and requisite to make, ordain, limit and provide, for the observation and preservation of the same laws, rights, statutes, ordinances and constitutions; and the same fines and amerciaments shall and may, from time to time, levy, receive, have and recover, either by distress and sale of the goods and chattels of such delinquent and delinquents, by warrant under the hand and seal of the Mayor or Recorder, or any of the Aldermen,

for the time being, rendering the surplusage to the owner or owners thereof, (if any be) the necessary charges of making and selling such distress being first deducted ; or by action of debt in any Court of Record, to be prosecuted, or in any other lawful method to be obtained, and to the use of the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors for ever, without any account thereof to be given to us, our heirs and successors, or to any of the officers or ministers of us, our heirs or successors : All and singular which laws, statutes, rights, ordinances, and constitutions, so as aforesaid, to be made, we do for us, our heirs and successors, will to be observed, under the pains, penalties and forfeitures in the same contained.

And we do further, of our special grace, certain knowledge and mere motion, for us, our heirs and successors, give, grant, ratify and confirm, unto the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors for ever, that the Common Council of the said City, for the time being, or the major part of them, shall have the sole power of determining and deciding all elections, of all and every their officers and ministers hereafter to be chosen and elected, in or for the said Corporation, or any part thereof. And we do hereby, for us, our heirs and successors, ordain, declare, give and grant unto the said Mayor, Aldermen and Commonalty, and their successors, that the Common Council of the said City shall be summoned, called and held, from time to time, so often and at such times and places as the Mayor, or in case of his sickness or absence, the Recorder of the said City, for the time being, shall think fit to appoint or direct ; and that it shall and may be lawful to and for the said Common Council of the said City, or the major part of them, to assess and lay such reasonable fines and amerciaments in and upon every officer and member of the body corporate aforesaid, for the time being, who after having had due notice, or being duly summoned to appear or attend at any such Common Council to be held for the said City, shall neglect so to do, or make default therein, or shall not appear or attend according to such notice or summons in that behalf, or shew a reasonable cause, by the said Common Council, or the major part of them, at their discretion to be allowed, and so often as such case shall happen, so that

no such fine or americiament for any one default of appearance or attendance of any such officer or member of the body corporate aforesaid, shall exceed the sum of fifteen shillings, like money, in the manner and form aforesaid, to be levied, and by, to and for the use of the Mayor, Aldermen and Commonalty of the said City, and their successors, to be recovered and received, without any account thereof to be given to us, our heirs and successors, or any of our or their officers or ministers.

And we do further, for us, our heirs and successors, give, grant and confirm unto the Mayor, Aldermen and Commonalty of the said City of Saint John, and their successors for ever, that the Common Council of the said City, for the time being, or the major part of them (but no other person or persons whomsoever, without the consent, grant or licence of the said Common Council of the said City, for the time being, or the major part of them) from time to time, and at all times hereafter, shall and may have the sole, full and whole power and authority of settling, appointing, establishing, ordering and directing, and shall and may settle, appoint, establish, order and direct, such and so many ferries, and in such and so many places as the said Common Council, or the major part of them shall think fit, for the carrying and transporting people, horses, cattle, goods and chattels, from one part of the said City, across the said river or harbour aforesaid, to the other parts thereof, or to or from the said City, to any of the opposite shores; and shall have the right and privilege of erecting and building a ferry house on Fort Neck, if they the said Common Council, or the major part of them, shall think fit so to do; and they, the said Common Council have hereby, likewise full power to let, set, or otherwise dispose of, all or any of such ferries, to any person or persons whomsoever; and the rents, issues, profits, ferriages, fees, and other advantages arising and accruing from all and every such ferries, we do hereby fully and freely, for us, our heirs and successors, give and grant unto the Mayor, Aldermen and Commonalty of the City of Saint John aforesaid, and to their successors for ever, to have, take, hold and enjoy the same to their own use, without being accountable to us, our heirs or successors, for the same, or any part thereof.

And we do further hereby of our especial grace, certain

knowledge and mere motion, for us, our heirs and successors, give and grant unto the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors, that they, and their successors, shall, and may have, hold and keep, such and so many markets on every day in the week throughout the year, except Sunday, at such place and places in the said City of Saint John, as they the Mayor, Aldermen and Commonalty, for the time being, and their successors, shall from time to time think fit to order, establish, erect and appoint; and that Sundays may also be allowed for the sale of fresh fish in the said markets, and may take and receive such toll, fees, and perquisites, as are reasonable therefrom. And we do further, for us, our heirs and successors, give and grant to the said Mayor, Aldermen, and Commonalty of the City of Saint John, and their successors, that they and their successors may and shall have the assize and assay of bread, wine, beer, ale, and all other victuals and things whatsoever set to sale in the said City, and the limits and liberties thereof, and the amending and correcting the same assize; and all amerciaments, fines, and forfeitures to be laid and forfeited concerning the same or any part thereof, without any account thereof to be given to us, our heirs or successors; and to perform, do or act by themselves or their deputies, all and every thing needful or necessary in, about or concerning the same. And we do hereby further, for us, our heirs and successors, give and grant to the said Mayor, Aldermen, and Commonalty of the City of Saint John, and their successors, shall be the keepers of the beams, weights and measures, for weighing and measuring merchants' commodities; and that they shall have the sole appointing clerks, porters and other officers, for the great beam, balance and weights, with the fees, profits and perquisites, arising and to arise therefrom, without any account thereof to be given to us, our heirs or successors.

And we do further, of our especial grace, certain knowledge, and mere motion, give and grant unto the said Mayor, Aldermen and Commonalty, and to their successors, that they and their successors be the conservators of the water of the river, harbour and bay, of the said City, and shall have the sole power of amending and improving the said river, bay and harbour, for the more convenient, safe and easy navigating,

anchoring, riding and fastening the shipping resorting to the said City, and for the better regulating and ordering the same; and that they the said Mayor, Aldermen and Commonalty, and their successors, shall and may, as they shall see proper, erect and build such and so many piers and wharves into the said river, as well for the better securing the said harbour and for the lading and unlading of goods, as for the making docks and slips for the purpose aforesaid; and that they shall and may have, receive and take reasonable anchorage, wharfage and dockage for the same, without any account thereof to be rendered to us, our heirs or successors. And we do further, for us, our heirs and successors, give and grant unto the said Mayor, Aldermen and Commonalty, and their successors, that they and their successors, shall from time to time, and at all times hereafter, have full power, licence and authority, not only to establish, appoint, order and direct, the making and laying out all other streets, lanes, alleys, highways, water courses, bridges and slips, heretofore made, laid out or used, or hereafter to be made, laid out and used, but also the altering, amending and repairing all such streets, lanes, alleys, highways, water courses, bridges and slips, heretofore made, laid out or used, or hereafter to be made, laid out, or used in and throughout the said City of Saint John, and the vicinity thereof, throughout the County of Saint John herein after mentioned and erected, and also beyond the limits of the said City, on either side thereof, so always as such piers or wharves so to be erected, or streets so to be laid out, do not extend to the taking away of any person's right or property, without his, her, or their consent, or by some known laws of the said Province of New Brunswick, or by the law of the land. And further, we, of our especial grace, certain knowledge and mere motion, give and grant, and by these presents, for us, our heirs and successors, do give and grant unto the said Mayor, Aldermen and Commonalty of the said City of Saint John, and their successors for ever, that they, and their successors, shall and may have and hold one Fair, in the said City, on the second Tuesday in May, and on the second Tuesday in September, yearly and every year; which same Fair shall continue by the space of three days, together with all liberties and free customs to such kind of Fair belonging. And of our further especial

grace, certain knowledge and mere motion, we have also given and granted, and by these presents for us, our heirs and successors, do give and grant, unto the said Mayor, Aldermen and Commonalty of the said City of Saint John, and to their successors for ever, all the goods and chattels of felons, felons of themselves, and of fugitives, waifs, estrays, treasure-trove, deodands, and wreck of the sea, happening, arising, or to be found, as well within the limits of the said City and liberties thereof, as any where without, in, by and through the County of Saint John hereinafter described, and on the coasts, harbours, rivers and creeks thereof.

And we do hereby, further, for us, our heirs and successors, grant and give unto the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors for ever, the office of Gauger of, and in the said City, to gauge all and singular the wine, rum, brandy, molasses, beer, ale, cyder and other merchandises and vessels, gaugeable or to be gauged within the said City (except such liquors as are to pay duty by virtue of any Act of Assembly, until after they have been gauged by the public officer appointed for that purpose:) And the office of Measurer of, and in the said City, to measure wood, lumber, salt, wheat, oats, and other grain, and all other merchandises, measurable or to be measured in the said City: And also the offices of Surveyor and Packer of bread, flour, beef, pork, and other provisions, and all other merchandises and commodities to be surveyed and packed in the said City: And also the office of Cartage, Carriage and Portage of all goods, wares, and merchandises and other things, to be carted or carried in or through the said City, or any part thereof, or up and down, and along the shores of the said harbour: And also the office of Garbling of all manner of Spices and other merchandises, and things to be garbled in the City aforesaid: To have and to hold the several offices aforesaid and every of them, and the disposition, ordinances and corrections of the same, and to exercise the same by themselves or their deputies, and to take and receive to themselves as fees, profits, and perquisites to the said offices and every of them due, or to be due, and all the fines, amerciaments and forfeitures to be laid and forfeited concerning the same or any part thereof, to them, the said Mayor, Aldermen and Commonalty, and their successors,

to their own proper use for ever, without any account, or any other thing to us, our heirs or successors, to be given or made. And further, that the Mayor of the said City for the time being, or his deputy for the time being, shall from time to time, and at all times for ever hereafter, have full power and authority, under the common seal of the said City, to make free citizens of the said City, and the liberties thereof; and that every person so to be made a free citizen, shall pay, on his being made free, for the use of the said Mayor, Aldermen and Commonalty of the City aforesaid, and their successors for ever, a sum not exceeding five pounds current money of New Brunswick. And we do for us, our heirs and successors, give and grant unto the said Mayor, Aldermen and Commonalty, and their successors for ever, full power to ask, take, demand and receive the same to their own use and behoof, without any account thereof to be given to us, our heirs or successors, or any other person or persons whatsoever. And we do hereby, for us, our heirs and successors, constitute, appoint and ordain, that no person whatsoever, not being a free citizen of the said City as aforesaid, shall, at any time hereafter, use any art, trade, mystery or occupation within the said City, liberties and precincts thereof, or shall by himself, themselves or others, sell or expose to sale, any manner of goods, wares, merchandises or commodities, by retail in any house, shop, place or standing, within the said City, or the liberties or the precincts thereof, (save in the times of public Fairs) and that every such person so using any art, trade, mystery or occupation, or so retailing, contrary to the intent and meaning of these our present letters, and shall persist therein, after warning to him or them thereof, given or left, by the appointment of the Mayor of the said City, for the time being, or his deputy, at the place or places where such person or persons shall so use any art, mystery or occupation, or expose to sale, by retail as aforesaid, any goods, wares, merchandises or commodities as aforesaid, shall forfeit the sum of five pounds of like money, to and for the use of the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors, for every time that he or she shall so use any trade, mystery or occupation, or expose to sale, by retail as aforesaid, any goods, wares, merchandises or commodities after such warning given or left, as aforesaid: All

and every of which same forfeitures shall and may be levied by distress and sale of the goods and chattels of such delinquent or delinquents, by warrant under the seal of the said City, signed by the Mayor thereof, for the time being, or his deputy, rendering the surplusage to the owner or owners thereof, (if any be) the necessary charge of making and selling such distress being first deducted, or by any other lawful method to be obtained; and shall be recovered and received by and to the only use of the Mayor, Aldermen and Commonalty of the City of Saint John, and their successors for ever, without any account thereof to be given to us, our heirs or successors, or to any of the officers or ministers of us, our heirs or successors: Provided always, and we do hereby, for us, our heirs and successors, direct, appoint and order, that no person or persons shall be made free as aforesaid, but such as are or shall be natural born subjects of us, our heirs or successors, or shall be naturalized or made denizens. And we do further, for us, our heirs and successors, ordain, appoint, direct, will and grant unto the American and European white inhabitants of the said City, our loving subjects, who on the day of the date of these our letters patent are residents of the said City, that they may be admitted, and they are by these presents admitted free citizens of the said City, and shall be entitled to all the liberties, privileges and pre-eminences of freemen of the said City, and of the liberties thereof; they first taking such oath as herein is prescribed for the freemen of the said City to take, and getting their names registered as freemen by the Common Clerk of the said City.

And for the better preservation of good rule and order in the said City, we do, for us, our heirs and successors, will, ordain, and grant unto the Mayor, Aldermen and Commonalty of the said City, and their successors, that the Common Council of the said City, for the time being, or the major part of them, shall have full power and authority to licence or appoint, by warrant under the common seal of the said City, or otherwise, a port master, and two or more wardens of the port and harbour aforesaid, a City surveyor, surveyors of the highways, wharfingers, inspectors and measurers of cord wood, timber, boards, shingles, staves, and other lumber; one or more surveyors of flour, bread, beef, pork, and barrelled fish, and other provisions;

measurers of grain, salt, and all other commodities ; gaugers of wine, beer, ale, cyder, rum, brandy, and all other saleable or exciseable liquors ; garblers, beadles, bellmen, watchmen, bridewell keepers, or keepers of a house or houses of correction, and of alms houses, cryers and bell ringers ; and also to appoint in like manner, such and so many other officers, as shall from time to time be found necessary or convenient, to enforce and execute such bye laws and regulations as may hereafter be made by the said Corporation, and to displace all or any of them, and put others in their room, and to add or diminish the number of them, or any of them, as often as the said Common Council of the said City, or the major part of them shall think fit.

And further we do, for us, our heirs and successors, grant unto the said Mayor, Aldermen and Commonalty, and their successors for ever, full power and authority, to erect and build one or more bridewell or bridewells, house or houses of correction, and work house or work houses, and also one or more common stocks, together with full power and authority to the said Mayor, Recorder and Aldermen, and their successors, and to each of them jointly or separately, to take up and arrest, or order to be taken up and arrested, all and any rogues, vagabonds, stragglers, idle and suspicious and disorderly persons ; and as the said Mayor, Recorder or Aldermen, or any one of them shall see cause to order all or any such rogues, vagabonds, stragglers, idle and suspicious and disorderly persons, to work on the streets or highways, or to be committed to the said work house, there to remain and work such work, and so long (not exceeding forty days) or else to bridewell or to the house of correction, there to receive such punishment, not extending to the loss of life or limb, or to the said common stocks, as the said Mayor, Recorder and Aldermen, for the time being, or any one of them shall think fit ; and also that they the said Mayor, Aldermen and Commonalty, and their successors for ever, may and shall have power to erect and build such and so many alms houses for the relief of the poor, as they shall think fit, together also with as full and ample power to them and their successors, to order, direct and act, in and about such bridewells, houses of correction, work houses, and common stocks, and alms houses, and the persons put in and ordered there, as to any City or Corporation in any place

of that part of our realm of Great Britain called England, and the officers and ministers thereof, doth or may belong. And also that they the said Mayor, Aldermen and Commonalty, and their successors for ever hereafter, may have one or more gaol or gaols, comptor or compters, in such fit place or places within the said City, and limits and jurisdiction thereof, as by the Common Council of the said City, for the time being, or the major part of them, shall be appointed, to imprison and safe keep all and every person and persons, for any treasons, murders, felonies, trespasses, evil doings, debts and other matters and causes whatsoever, to be arrested or attached, or to be committed to the gaol or gaols, or comptor or compters aforesaid, in safe custody there to remain until they be delivered by due course of law; and that the Common Council of the City aforesaid, for the time being, or the major part of them, shall and may have power, from time to time, to name, constitute and place one or more fit person or persons in the office or offices of keeper or keepers of the gaol or gaols, comptor or compters aforesaid, to hold the same during the good pleasure of the Common Council of the said City, for the time being, or the major part of them as aforesaid, requiring, and hereby for us, our heirs and successors, empowering and commanding the keeper and keepers of the gaol or gaols, comptor or compters aforesaid, for the time being, that all and singular traitors, murderers, felons, malefactors, disturbers of the peace and other delinquents, and all others for any crime or offence, or for any debt or other reasonable cause or matter, to the gaol or gaols, or comptor or compters aforesaid, ordered or committed, or to be ordered or committed, from time to time, shall receive, take, keep and cause to be kept, in the said gaol or gaols, comptor or compters, until they shall be thence delivered by due course of law.

And we do further, for us, our heirs and successors, will, ordain and grant, that the Mayor of the said City, for the time being, shall for ever hereafter be Clerk of the Market of us, our heirs and successors, within the City aforesaid, and the limits, liberties and precincts thereof: And that the Mayor of the said City, for the time being, by himself or his deputy, may and shall have full power and authority to do and execute, and shall and may do and execute, for ever, within the limits,

liberties and precincts of the said City, all and whatsoever to the office of clerk of the market there doth, shall or may belong, without any hinderance or impediment of us, our heirs or successors, or any the officers of us, our heirs or successors; and that no other clerk of the market shall intermeddle there; and also that the Mayor of the said City, for the time being, and his successors, during the time of his or their Mayoralties, and no other, be and shall be the Bailiff and Conservator of the water of the bay, harbour, and river Saint John, and the coves, inlets, and creeks thereof, and shall and may do, exercise and execute the said office of bailiff, and conservator of the waters aforesaid, or water bailiff, by him or themselves, or by his or their sufficient deputy or deputies, in, upon or about the same waters aforesaid, in and through all the limits, bounds and jurisdiction of the said City of Saint John, upon all and every the banks, shores and wharves of the same waters aforesaid, within the limits and bounds aforesaid, and to have, receive, collect and enjoy all and singular wages, rewards, fees and profits to the same offices of clerk of the market and water bailiff, or any of them due or to be due, or belonging to his and their own use, without any account thereof to us, our heirs or successors to be made. And also that the Mayor of the said City, for the time being, shall have full power and authority to licence and appoint, by warrant under his hand and seal, two or any greater number of marshals of the said City, and bell-ringers, cryers of the Courts of Sessions and Common Pleas, porters of the great beam, balance and weights, common porters, carriers, cartmen, carmen, wagoners, teamsters, draymen, lightermen, balastmen, wherrymen, packers, cullers, common cryers, scavengers and beadles; and to displace all or any of them, and to put others in their rooms, and to add to or diminish the number of them or any of them, (except the marshals, which shall not be less than two) when, and as often as the Mayor, for the time being, shall think fit. And also that the Mayor of the said City, for the time being, shall have a Common Seal, which shall be called the Seal of the Mayoralty of Saint John, and shall serve and be used as well for the deputing, licencing or appointing of all such officers and ministers of the said City as are or shall be in the nomination or appointment of the Mayor of the said City, for the time being,

as for the certifying any act, matter or things, transacting or to be transacted, or done within the said City, and which may be thought useful or necessary to be certified under the seal of the said Mayor, as Chief Magistrate of the said City ; and that he the said Mayor, for the time being, shall, and may have, receive and take, for the said seal, such fees and perquisites as shall be established by the Common Council of the said City, or the major part of them, without any account thereof to be rendered to us, our heirs and successors. And we do further, for us, our heirs and successors, grant unto the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors for ever, that the Mayor of the said City, for the time being, and no other whatsoever, shall have power to give and grant licences under the Common Seal of the said City, to all such persons as he shall think fit, to licence them or every of them, to sell at public outcry or auction, or to keep a tavern, an inn, an ordinary, a victualling or a coffee-house, or to sell wine, brandy, rum, strong waters, punch, beer, ale, or any exciseable or strong liquors whatsoever, within the City of Saint John, or the liberties or precincts thereof, by retail, or the small measure, under the quantity of five gallons ; and that it shall and may be lawful to and for the Mayor of the said City, for the time being, to ask, demand and receive for every such licence by him to be given and granted as aforesaid, such sum or sums of money as he and the person to whom such licence shall be given and granted shall agree for, not exceeding the sum of four pounds for each licence (licences for auctioneers excepted ;) all which moneys as by the said Mayor shall be so received, shall be used and applied to the public use of the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors for ever, without any account thereof, to be rendered, made or done, to us, our heirs or successors ; every and each of which licences shall continue and be in force for any time agreed on not exceeding one year from the granting thereof, but no longer. And we do hereby, for us, our heirs and successors, constitute, direct, and ordain and appoint, that no person or persons whatsoever, without such licence being in force, shall at any time hereafter be an auctioneer, keep any tavern, inn, public ordinaries or victualling house, or sell wine, brandy, rum, strong waters, punch,

cyder, beer, ale or any other sorts of exciseable or strong liquors within the City of Saint John or the liberties or precincts thereof, by retail or small measure, under five gallons, under the penalty of five pounds current money of New Brunswick for every time that any person shall act contrary hereto in any respect, to be forfeited and paid by every person for every time he or she shall offend or act contrary hereto in any respect, to and for the use of the said Mayor, Aldermen and Commonalty of the City of Saint John, for the time being; all and every of which penalties shall and may be levied by distress and sale of the goods and chattels of such delinquent and delinquents, by warrant under the hand and seal of the Mayor of the said City, for the time being, or his deputy, rendering the overplus to the owner or owners thereof, if any be (the necessary charges of making and selling such distress being first deducted), or by any other lawful method to be obtained, and shall be recovered and received by and to the use of the Mayor, Aldermen and Commonalty of the City of Saint John, and their successors for ever, without any account thereof, to be given to us, our heirs or successors, or any of the ministers or officers of us, our heirs and successors.

And further, for us, our heirs and successors, we do will and hereby declare, that although the people of colour are black persons now residing in our said City, and hereafter to come and reside therein, are by these presents excluded the privilege of being or becoming free citizens thereof, yet it is not our pleasure that those who shall be found good, discreet and honest persons of that description, should be wholly deprived of the means of getting and having a comfortable support for themselves and their families; and therefore we do will and grant, that the Mayor of the said City, for the time being, may from time to time, as he shall think proper, by warrant under his hand and seal, licence any of the said people of colour to reside in the said City, and to carry on any business or occupation which he shall think fit, and express in such licence; and the same licence and licences at his pleasure to suppress, any thing herein contained to the contrary notwithstanding.

And we do further of our especial grace, certain knowledge and mere motion, will and ordain and constitute, and by these presents for us, our heirs and successors, do give and grant

unto the said Mayor, Aldermen and Commonalty of the City of Saint John, that they and their successors for ever, can, shall, and may have a Court, to be holden before one of the Aldermen, with the Common Clerk of the said City of Saint John, as Puisne Judge of the said Court, on the Thursday of every alternate week, or once in every fortnight; which Alderman and the said Clerk associated together as Judges of and in the said Court, shall, by these presents, have full power and authority to hear and finally determine, all actions, cases and causes, wherein the sum or thing demanded shall not exceed the sum or value of forty shillings, and judgment thereof to render with costs, and execution of the said judgment to award. And we do further ordain, that the said Court shall be called the City Court of Saint John; and that by that name the process of the said Court shall be issued to one of the marshals of the said City, and that the first process to bring any defendant in to answer, who is an inhabitant of the said City, shall be by summons, and against any who is not an inhabitant of the said City, the same shall be by attachment of the body of the defendant; But if any inhabitant shall neglect to appear and answer on his being summoned, or if it shall appear on affidavit, that the inhabitant is about to depart the jurisdiction of the said City, then and in either of those cases the plaintiff in such action may proceed by attachment as aforesaid. And for the more speedy determining of all controversies in the said Court, and to lessen the expense thereof, we do ordain and direct, that the plaint and pleadings in all causes be *ore tenus* according to the usage and practice of the Courts held before our Sheriffs of our Counties in our realm of England, and that the issue and proceeding be entered and kept by the said Clerk associate or his deputy, in short entries. And also we ordain and direct, that by virtue of these presents, and without any precept thereof to the marshals of the said City to be directed, they the marshals of the said City, or either of them, shall from time to time summon and return a jury of twelve honest and lawful freeholders of the said City, to appear in the said Court, on every Court day for ever, who shall, being first sworn impartially and truly to hear and determine the several causes brought before them, proceed to try all issues and assess damages in all causes which shall be

given in charge to such jury by the said Court : and if there shall happen to be defect of jurors for cause of challenge or otherwise, the same shall be supplied, from time to time by a *tales de circumstantibus*, according to the practice of the Courts of the common law : and that the evidence to be given to the said jury, shall be by witnesses *viva voce*, or such other evidence as is admissable by the rules of law, and not by the oath of either party. And we do also hereby ordain and direct, that on all judgments to be given or rendered by the said Court, the party recovering may have execution against the body or goods of the adverse party, at his election, provided that on execution against the body, a certain time shall be inserted in the warrant of execution, directing how long the party shall be imprisoned, which shall not exceed three calendar months, but for as much shorter time as the said Clerk, in his discretion, shall think fit. And we do hereby, for us, our heirs and successors, grant, order and appoint, that the marshals and keepers of the gaols of the said City, for the time being, shall and may, and they, and each and every of them, are hereby commanded, authorized and fully empowered, to execute and return all and every the precepts and commands of the Alderman and Clerk of the said Court, or either of them. And we do also hereby ordain, that for any contempt, abuse or disturbance committed or done, in or to the said Court or the process thereof, or for not appearing as a juror when summoned, the party delinquent or offending shall be subject, either to an amerciamment not exceeding twenty shillings, or to be committed during the sitting of the Court, at the discretion of the said Court. And we do further ordain and direct, that before the said Clerk or his deputy shall proceed to sit and hear causes in the said Court, he shall, besides the usual oaths, take an oath before the Mayor or Recorder of the said City, well and truly to execute his office as Clerk and Judge of the said Court for trial of causes of forty shillings, according to the best of his skill and knowledge, and that he will not deny or delay justice to any one. And we do for us, our heirs and successors, grant to the said Mayor, Aldermen and Commonalty, and their successors for ever, that the Common Clerk of the said City for the time being, for ever shall be, and he is by these presents authorized and empowered, to appoint sufficient

deputies for the several districts of the County of Saint John, who, together with the Justices of the Peace residing in the said districts respectively, or any one of them, shall be, and hereby are constituted Judges of the Court for trial of causes not exceeding forty shillings, in the said district, with full power and authority, according to the course of the common law, to hear and determine all such causes in like manner, on every alternate Thursday, or once in every fortnight, and subject to the same restrictions and regulations, and with the same and the like other powers as herein before are directed and ordained, to and for such Court within the said City of Saint John. And the constables of the said respective Districts, are hereby also empowered and enjoined, to summon and return jurors, execute the processes, and to do all things, which shall be given them in command by such Justice and Clerk, or the deputy of the said Clerk for the time being : And the keeper and keepers of the gaol of the said City and County, are also hereby empowered and enjoined, to take and keep in gaol such person and persons, as by any precept or warrant from the Clerk, or his deputy, of the said Court, he shall be directed, according to the tenor of such precept or warrant.

And moreover of our further grace, certain knowledge and mere motion, we have given and granted, and by these presents for us, our heirs and successors, do give and grant unto the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors for ever, all and singular the messuages, tenements, dwelling houses, lots of ground, and all other lands or ground whatsoever, covered or uncovered with water, situate, lying and being within the said City of Saint John and the limits and boundaries thereof, together with the three small islands lying in and near the Falls in the River Saint John aforesaid, and near the western limits of the said City ; which same islands shall be included in and a part of King's Ward in the said City, together also with all and singular the woods, underwoods, trees, timber, feedings, pastures, meadows, marshes, swamps, ponds, pools, rivers, rivulets, fens, and streams of water, land covered with water, bays, inlets, harbours, fishing, fowling, hunting, hawking, mines, minerals, (gold and silver mines only excepted) and all other profits, privileges,

advantages, emoluments, hereditaments, and appurtenances whatsoever, to the said lands and premises, within the lines, limits and boundaries of the said City of Saint John, hereinbefore particularly described, belonging, or in any wise appertaining; and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and of every part and parcel thereof; together also with all fairs, markets, bridges, tolls, tronage, piccage, stallage, pontage, passage, and all other privileges, advantages, emoluments, perquisites and profits whatsoever, in any manner of way arising or growing out of, or by means of, all or any of the premises hereinbefore granted, and which of right they ought to have, receive and enjoy and take, by virtue of these presents; and all our estate, right, title, interest, property, claim and demand whatsoever, of, in and to the same, and every part thereof, (saving and reserving unto our said loving subjects, the inhabitants of the said City, and to all other our loving subjects, their heirs and assigns respectively, all such houses, lands, tenements and hereditaments, as he, she, or they have, hold and enjoy, or which he, she or they, may or can legally claim, by or under any grant or patent under the great seal of our Province of Nova Scotia or of our said Province of New Brunswick :) To have and to hold all and singular the premises aforesaid, and every part and parcel thereof, with their, and every of their rights, members and appurtenances, (except as is before saved and reserved) unto the Mayor, Aldermen and Commonalty of the City of Saint John and their successors for ever; to be holden of us, our heirs and successors, in free and common socage, as of our manor of East Greenwich in our County of Kent, within that part of our Kingdom of Great Britain, called England; yielding, rendering and paying therefor, unto us, our heirs and successors, on the feast of the Annunciation of the blessed Virgin Mary, commonly called Lady Day, at the office of our Receiver General of our Province of New Brunswick, at the City of Saint John aforesaid, the rent of ten shillings sterling money of Great Britain in lieu and stead of all other rents, services, exactions or demands whatsoever, without any account or reckoning, or other thing to us, our heirs or successors, for the same to render or do; subject nevertheless to the limitations, uses, restrictions, reservations

and appointments herein after appointed, ordained, expressed and declared : And therefore we do for us, our heirs and successors, appoint, ordain, declare, and direct, that the island called Navy Island, lying in, and being part of our said City, at the mouth of the river Saint John, and in the harbour aforesaid, shall at all times for ever hereafter be, remain and continue, for the use of our royal navy, and be used and occupied, in such manner and to such purposes, as to our naval commander, for the time being, on that station shall seem meet : and that the island aforesaid called Partridge Island, also within the limits aforesaid, be at all times for ever hereafter kept by the said Mayor, Recorder and Commonalty, as well for the due use and purpose of a Lighthouse to be erected thereon, and for the keeping and maintaining a person to attend and watch the said light, for the safe navigation of the said harbour, as for a Pesthouse to be also thereon erected, for the use of those who may be hereafter obliged to perform quarantine on entering the said port. And further, we do, for us, our heirs and successors, reserve to us, our heirs and successors for ever, full right, power and authority, at any time and at all times hereafter, to enter into and upon the common lands of the said Corporation, and to erect thereon barracks, batteries, forts, and other fortifications for the defence of the said City and harbour. And in further pursuance of the aforesaid limitations, uses, restrictions, reservations and appointments, we do for us, our heirs and successors, appoint, ordain and declare, that there be laid out and set apart for a market-place on the common ground of the said City, on the west side of the said harbour, a piece of ground commencing from Front-street or row where it meets the said river, and extending two hundred feet along the water line of the bank of the river aforesaid at high water mark, towards the neck of land on which remain the ruins of Fort Frederick ; and that the said market-place so to be laid out, as well as the market-place already laid out on the east side of the said harbour, and also the public squares on both sides of the said river, and which are already laid out and appear on the plan of the survey of the said respective districts already published, and known by the names of King's square and Queen's square, shall be and for ever remain open, and unclosed and unappropriated

to any use or uses whatsoever, either private or public (the building of market houses on the said market places only excepted.) And we do further appoint and ordain, that the residue of the common ground on the west side of the said harbour, ranging along the water front, from the said market place to the neck of land aforesaid, and extending from high water mark fifty feet on the common ground, and from high to low water mark, shall be laid out into convenient lots, and shall not be appropriated to any use whatsoever, other than for wharves and store houses to be erected and built thereon ; and which when built, shall ever remain and continue and be, for the sole use and purpose of landing, storing and safe keeping of lumber, cured fish, grain and other goods that shall be brought there to be stored, and for no other use or purpose whatsoever. And we do also ordain, appoint and direct, that in all grants and conveyances whatsoever, that shall be made by the said Mayor, Aldermen and Commonalty of the said common lands, or any part thereof, there shall be an express condition contained in every the said grants, that the grantee or lessee, his heirs and assigns, shall within such time as therein shall be agreed on and limited, erect and build a convenient wharf and storehouse on the ground thereby granted or demised, for the sole and only purpose aforesaid ; and if the grantee or lessee shall not within such time erect and build such wharf and storehouse, and appropriate the same to the uses aforesaid, or shall at any time convert the same or any part thereof to a dwelling-house, work-shop, or any other use or purpose whatsoever, other than as and for a storehouse and lumber yard as aforesaid, then, that such grant shall be void and become forfeit ; and the said Mayor, Aldermen and Commonalty shall thereupon re-enter as for such forfeiture. And we do ordain and declare, that all and every grant and conveyance whatsoever to be made by the said Mayor, Aldermen and Commonalty of the said market-places and public squares, or either of them, shall be *ipso facto* void ; and that all inclosures, buildings or other things that shall be erected or found on the said market-place and public squares, contrary hereto, shall be held, taken, deemed and adjudged to be public and common nuisances, and be treated as such accordingly.

And we do further limit, appoint, ordain, declare and direct, that the fisheries between high and low water mark along the east side of said bay, river and harbour, shall be and for ever remain to and for the sole use, profit and advantage of the freemen and inhabitants of the said City, on the east side of said harbour ; and they the freemen and inhabitants of the said City, on the east side of the said harbour, shall and may, by virtue hereof, have and enjoy the sole fishing, hauling the seine, erecting weirs, and taking the fish between the said high and low water mark on the said east side, to the total exclusion of all and every the freemen and inhabitants of the west side of the said harbour, and all others under any pretence whatsoever. And in like manner we do limit, appoint, ordain, declare and direct, that the fisheries between high and low water mark, on the west side of the said bay, river and harbour, (except those on and surrounding the said Navy Island, which shall be and remain to all the inhabitants of the said City in common) shall be and for ever remain to and for the sole use, profit and advantage of the freemen and inhabitants of the west side of the said bay, harbour and river ; and they the freemen and inhabitants of the said City, on the west side of the said harbour, shall and may by virtue hereof, have and enjoy the sole fishing, hauling the seine, erecting weirs and taking the fish between the said high and low water mark on the said west side, to the total exclusion of all and every the freemen and inhabitants of the east side of the said harbour, and all others under any pretence whatsoever. And we do also limit, appoint, ordain, declare and direct, that the common lands lying and being on the east side of the said harbour, shall be for the common use of the inhabitants of the said City, residing on the east side of the said harbour only ; and that the rents, issues, and profits arising by the sale or other disposal thereof, shall be applied by the Mayor, Aldermen and Commonalty of the said City for the time being, to the sole improvement, benefit and advantage of that part of the said City lying on the east side of the harbour, and of the inhabitants thereof for ever. And in like manner we do limit, appoint, ordain, declare and direct, that the common lands lying on the west side of the said harbour, shall be for the common use of the inhabitants of the said City residing on the west side of the said harbour only ; and that

the rents, issues and profits, arising by the sale or other disposal thereof, shall be applied by the said Mayor, Aldermen and Commonalty for the time being, to the sole improvement, benefit and advantage of that part of the said City lying on the west side of the said harbour, and of the inhabitants thereof for ever. And all the rest, residue and remainder of the premises hereby granted, we do will, ordain and declare, to be to the only proper use and behoof of the said Mayor, Aldermen and Commonalty, and their successors, for the common benefit and advantage of the inhabitants of the said City of Saint John for ever, and to no other use or uses whatsoever, any thing to the contrary notwithstanding.

And further know ye, that for the due, orderly, convenient and speedy administration of Justice, to and amongst our loving subjects, living and residing along the said Bay of Fundy, and the parts of our said Province of New Brunswick, adjacent and of easiest access to the said City of Saint John, we have thought fit to constitute and ordain, and we do by these presents, for us, our heirs and successors, erect and constitute into one distinct and separate County, all that tract or district of land, situate in our said Province, bounded southerly on the said Bay of Fundy, easterly by Hopewell Township, and a line running from the north west corner of said township due north into the country, northerly by a line running east north east and west south west from the southermost point of the Kenebeckasis Island lying at the mouth of the river Kenebeckasis, where it joins the river Saint John aforesaid, and westerly by a due north line from Point Lepro in the Bay of Fundy aforesaid. And we do hereby ordain, establish and declare, that all and singular the lands and waters comprised within the limits aforesaid, shall for ever hereafter be, continue and remain, a distinct and separate County, and including the City of Saint John aforesaid, shall be called, known and distinguished by the name of the City and County of Saint John.

And we do, for ourselves, our heirs and successors, by these our present letters, require and strictly charge and command, and fully empower the Sheriff, Common Clerk, Chamberlain, Marshals, Gaol keepers, High Constable, Petty Constables, and all other subordinate officers of and in the said City, now constituted or appointed, or that hereafter may be chosen,

elected, constituted or appointed, and every of them respectively, jointly and severally, as cause shall require, to be obeisant and obedient to and attend upon the said Mayor, Recorder and Aldermen of the said City, and Justices of the Peace of our said City and County, and every or any of them, at all times hereafter, according to the duty or obligation of their respective offices and places, and to execute all and every the commands, precepts, warrants and processes, to them respectively directed and issued, and given out, and to be issued and given out, by them the said Mayor, Recorder and Aldermen, or any one of them.

And we do further, hereby, will, declare and ordain, that the Mayor, Recorder, Aldermen, Assistants, Sheriff, Coroner, Common Clerk, Chamberlain, High Constable and Petty Constables of the said City, such of them as are hereby appointed and named, and all and every such as hereafter are to be appointed, elected or chosen, shall, before they be respectively permitted to execute their respective offices or places aforesaid, respectively be sworn as follows, to wit: The hereby named Mayor of the said City, and every other person hereafter to be appointed to or for that office, to take the proper oath as such, and well and truly to execute the office of Mayor, and all other offices and places hereby appointed for each Mayor to execute and act in, and the usual oath of a Justice of Peace, before the Governor or Commander in Chief of the said Province of New Brunswick for the time being, in presence of three or more of the Aldermen of the said City of Saint John for the time being; or, in case of the absence of the Governor or Commander in Chief for the time being, then before the oldest Councillor of the said Province for the time being, in the presence of three or more of the Aldermen of the said City for the time being. And we do hereby for us, our heirs and successors, give and grant full power and authority to the Governor or Commander in Chief of the said Province for the time being, in the presence of three or more of the Aldermen of the City aforesaid, for the time being, or in case of the absence of the said Governor or Commander in Chief, then to the oldest Councillor of the said Province for the time being, in the presence of any three or more of the Aldermen of the said City for the time being, to administer such oaths accordingly without

any other warrant, commission or power, from us, our heirs or successors, and so from time to time, as often as the case shall or may require or happen. And the above named Recorder of the said City of Saint John, and every other person hereafter to be appointed to or for that office, to take the proper oaths such officer ought to take, and an oath well and truly to execute the office of Recorder, and the proper oath of a Justice of the Peace, before the Mayor of the said City for the time being, to which same Mayor for the time being we do for us, our heirs and successors, give full power and authority by these presents to administer such oaths accordingly, in manner aforesaid, without any other warrant, commission or power from us, our heirs and successors. And every Recorder hereafter to be appointed to act as Deputy Mayor for the time being, to take the proper oath as such, and an oath well and truly to execute the office of a Deputy Mayor, during the time for which he shall be appointed deputy, if the same Mayor, his constituent, shall so long live: And if the said Mayor shall happen to die within such time, that thereupon, and from thenceforth, such Deputy Mayor shall well and truly execute the office of Mayor of the said City, until another fit person be appointed and sworn Mayor of the said City, in the manner in these present letters mentioned; and shall also take the proper oath of a Justice of Peace, before the Mayor, and any three or more of the Aldermen of the said City for the time being. And we do hereby, for us, our heirs and successors, give full power and authority to the Mayor, and to any three or more of the Aldermen of the said City for the time being, to administer such oaths as aforesaid, without any other warrant, commission or power, from us, our heirs or successors. And also every Alderman hereby appointed, and every person hereafter to be elected to or for the office or place of Alderman of or in the said City, to take an oath well and truly to execute the office or place of Alderman, and the proper oath of a Justice of Peace, before the Mayor of the said City for the time being, or the Recorder of the said City for the time being. And also every Assistant, Sheriff, Coroner, Common Clerk, Chamberlain, High Constable and Petty Constable, hereby named, and every person hereafter to be elected or appointed to or for the office or place of an Assistant, Coroner, Common Clerk or

Chamberlain, or shall be appointed or elected to or for the office or place of High Constable or Petty Constable of or in the said City, each of them respectively to take the proper oath for his respective office or place, and well and truly to execute the respective offices or places he is, or shall have been respectively elected or named for, before the said Mayor of the said City for the time being, or the Recorder of the said City for the time being. And we do hereby give full power and authority to the Mayor of the said City for the time being, or the Recorder of the said City for the time being, to administer such respective oaths to each of the respective persons aforesaid, accordingly, without any other warrant, power or authority from us, our heirs or successors. And we do further, hereby, will, declare and ordain, that before any person shall be admitted to have or enjoy the privileges of a free citizen of the said City, or any of them, he shall be first duly sworn, and the following oath is therefore hereby prescribed for him to take, viz: "You do swear, that you will be good and true to our Sovereign Lord King George the Third, and to the Heirs of our said Sovereign Lord the King; obeisant and obedient shall you be to the Mayor and Ministers of this City; the franchises and customs thereof you shall maintain, and this City keep harmless in that which in you is; you shall be contributing to all manner of charges within this City, as summons, watches, contributions, taxes, tallages, lot and scot, and all other charges, bearing your part as a freeman ought to do; you shall know of no gatherings, conventicles, or conspiracies made against the King's peace, but you shall inform the Mayor thereof, or let it to your power: all these points and articles you shall well and truly keep, according to the laws and customs of this City. So help you God." Which oath, the Mayor, Recorder and Aldermen of the said City for the time being, or any four of them, whereof we will the Mayor or Recorder to be one, we hereby authorize and empower to administer.

And further of our especial grace, certain knowledge and mere motion, we have granted, and by these presents, do for ourselves, our heirs and successors, grant and confirm unto the aforesaid Mayor, Aldermen and Commonalty of the City of Saint John aforesaid, and to their successors, that neither

they, nor any one of them, nor any free citizen of the said City, during the time of their being inhabitants there, shall against their or any of their wills, out of the City aforesaid, be put or impanelled upon or in any assizes, juries or inquisitions whatsoever (although it toucheth, or doth or shall touch us, our heirs or successors, and although we or our successors, be or should or shall be parties) out of the said City, neither shall they, or any one of them be made, elected, or chosen, assessor, taxor, or collector of any taxes, duties, imposts or subsidies whatsoever, or of any part or parcel of them, or any of them, out of the said City; nor shall be ordained, elected, assigned or appointed constable, bailiff, or any other officer or minister without or beyond the City aforesaid, and the liberties and precincts thereof; nor shall be called upon, compelled or forced, against their or any of their wills, to do, receive, occupy or discharge any of the duties or functions above mentioned, or any other office, duty or function whatsoever, without the City, liberties and precincts aforesaid, except for the laying out roads and highways in other parts of the said City and County, and the working, clearing, amending and repairing the same. And although the aforesaid Mayor, Recorder and Aldermen, freemen or free citizens of the City aforesaid, or any of them, shall, while they are, or remain inhabitants of the said City, against their, or any of their wills, be put, impanelled or returned upon any assizes, juries, or inquisitions whatsoever, out of the said City and limits thereof; or shall to any of the offices above mentioned, or any other office or function whatsoever, out of the said City, be elected or chosen; and though they, or any of them, being summoned, impanelled, or returned, elected or chosen as aforesaid, shall refuse or neglect to come and appear before our Justices, or other Justices, Commissioners or officers of us, our heirs or successors, before whom such assizes, juries, or inquest, shall happen to be summoned or returned, or in or upon the same assizes, juries, or inquests, shall refuse or neglect to be sworn or tried, or any of the offices, duties or functions aforesaid, shall refuse to do, receive, occupy or discharge, yet the person or persons so refusing, any contemps, fines, amerciaments, penalties, forfeitures or loss whatsoever, by reason of such refusal or neglect, to or towards us, our heirs or successors, shall not, nor either

of them shall, in any wise incur, but therefrom and thereof, as well before us, our heirs and successors, as all other the Justices, Commissioners and other officers whatsoever, of us, our heirs or successors, shall remain quiet and for ever discharged.

And further we do for us, our heirs and successors, by these present letters, give, grant, ratify and confirm, unto all and every the respective inhabitants and freeholders of the said City of Saint John, and their several and respective heirs and assigns for ever, all and every the several and respective messuages, tenements, lands and hereditaments, situate, lying and being in the said City, to them severally granted, conveyed or confirmed, or mentioned, or intended to be granted, conveyed or confirmed by us, or by any of our Governors, Lieutenant Governors or Commanders in Chief of our said Province of Nova Scotia, or of our said Province of New Brunswick, saving and reserving the several quit rents reserved and due, and to be due and payable, from each of the several persons, to whom, by virtue of any former grants to them (or those from under whom they respectively hold) the same messuages, tenements, lands or hereditaments, were made or given.

And further of our especial grace, certain knowledge and mere motion, we do for us, our heirs and successors, give, grant, ratify and confirm, to the said Mayor, Aldermen, and Commonalty of our said City of Saint John, and to their successors for ever, full, special and free liberty, licence, power and authority, to take, receive, have, hold and enjoy, to them and their successors for ever, in fee simple, any manors, messuages, lands, tenements, hereditaments, rents and other possessions and real estate, within or without the same City, as well of and from us, our heirs and successors, as of and from all and every other person and persons whomsoever ; so as the manors, messuages, lands, tenements, hereditaments, rents, and other possessions, and real estate, which the Mayor, Aldermen and Commonalty of the City of Saint John shall or may have in their possession and seizin, at any one time, exceed not, in the whole, the clear yearly rent or value of two thousand pounds, money of our realm of Great Britain, beyond and above all charges and reprises, without any hinderance of

us, our heirs or successors, or the Justices, escheators, sheriffs, coroners, bailiffs or other the ministers of us, our heirs or successors, and this without any other letters patent, liberty, licence or power from us, our heirs or successors, the statute of Mortmain or any other act, law or statute, or any other cause, thing or matter whatsoever to the contrary thereof in any wise notwithstanding; and the same manors, messuages, lands, tenements, hereditaments, rents, and other possessions, or any part thereof, to demise, grant, lease and let over, assign and dispose at their own will and pleasure, and to make, seal and accomplish any deed or deeds, lease or leases, evidences or writings, for or concerning the same or any part thereof.

And further we, of our abundant grace, certain knowledge and mere motion, have given and granted, and by these presents do, for us, our heirs and successors, give and grant unto the said Mayor, Aldermen and Commonalty of the City of Saint John, and to their successors for ever, that the Mayor, Recorder and Aldermen of the said City for the time being, be, and shall be, at all times for ever hereafter, and hereby are assigned to be Justices, and each of them a Justice of us, our heirs and successors, the peace of us, our heirs and successors, within the City and County of Saint John aforesaid, and the limits, jurisdictions and extent thereof, to keep; and that they the said Mayor, Recorder and Aldermen of the said City for the time being, and such other person and persons, as we, or our heirs and successors shall from time to time assign to be Justice and Justices of us, our heirs and successors, the peace of us, our heirs and successors within the said City and County of Saint John to keep, or any four or more of them, (whereof we will the Mayor, Recorder, or any one of the Aldermen of the said City for the time being, to be one) shall and may for ever hereafter, hold and keep four Courts of General Sessions of the Peace in and for the said City and County of Saint John, to begin at certain times in the year, to wit, one of them to begin on the first Tuesday in June, another on the first Tuesday in September, another on the first Tuesday in December, and the other on the first Tuesday in March, in every year; each of which Sessions of the Peace shall and may last, continue and be held any time not exceeding five days; and also that the said Mayor, Recorder and Aldermen of

the said City for the time being, and such other Justice and Justices so to be assigned by us, our heirs and successors, or any four or more of them (whereof we will the Mayor or Recorder, or any one of the Aldermen of the said City for the time being, to be one) shall and may for ever hereafter, have full power and authority, to enquire of, and hear and determine, within the City and County aforesaid, all and all manner of felonies, imprisonments, riots, routs, oppressions, extortions, forestallings, regratings, trespasses, offences, and all singular other evil deeds and offences, whatsoever within the City and County aforesaid, from time to time, perpetrated, done, arising or happening, which to the office of Justices of the Peace are incumbent, or do in any manner belong, or which hereafter shall happen to belong, or be incumbent on them, or which in any manner before the Justices of the Peace at the Sessions of the Peace ought or may be enquired into, heard and determined, together with the correction and punishment thereof; and to do and execute all other things within the City and County aforesaid, and the liberties and precincts thereof, as fully, freely and entirely, and in as ample manner and form, as Justices of the Peace of us, our heirs and successors, any where within that part of our Kingdom of Great Britain called England, by the laws, statutes or customs of England, or by any other legal method whatsoever, heretofore had or exercised, or hereafter to be had or exercised, could, might or can do, and in as ample manner and form, as if the same had been in these our letters particularly and by special words expressed, contained and mentioned. And that the said Justices of the Peace of us, our heirs and successors, in the City and County aforesaid, may have and exercise jurisdiction in all causes, matters and things whatsoever, which to Justices of the Peace of our said City and County in any manner do or ought to belong. And further, that the Mayor, Recorder and Aldermen of the said City, for the time being, and every of them, from time to time, and at all times for ever hereafter, shall be Justices assigned of oyer and terminer and of the gaol delivery, of all and every the gaols now being and hereafter to be in the said City and County, and either of them, and shall be named in every commission thereof to be made. And we do hereby for us, our heirs and successors, grant, order and appoint that

the Sheriff and other ministers and officers of the said City for the time being, shall and may, and they are, and each of them is hereby commanded, authorized and fully empowered, to execute and return, all and every the precepts and commands of the Mayor, Recorder and Aldermen of the said City for the time being, and either or any of them, from time to time and all times, as fully and effectually, as any sheriff, minister or officer of any County or City any where in that part of our Kingdom of Great Britain called England, the mandates or commands of any Justice of the Peace, Justice of oyer and terminer and gaol delivery, of or in any County there, hath used to make, return or execute, in any manner whatsoever.

And moreover of our abundant grace, certain knowledge and mere motion, we have willed, ordained and constituted, and by these presents for us, our heirs and successors, do grant unto the said Mayor, Aldermen and Commonalty of the said City of Saint John, and their successors, that there shall be for ever hereafter one Court of Record or Inferior of Common Pleas for the said City and County of Saint John, to be held before the Mayor and Recorder of the said City for the time being, or one of them, at the Court House or City Hall of said City and County of Saint John, at four terms in each year, to wit, on the first Tuesday of June, September, December and March in every year for ever ; and that the said Mayor and Recorder, or any of them, the other of them not being present, shall and may in the name of us, our heirs and successors, hold plea, and have cognizance of all, and all manner of complaints, actions and pleas whatsoever, arising or accruing, within our said City and County, and the limits thereof, which shall be brought in the said Court, and which shall be for more than forty shillings and shall not exceed fifty pounds in value, and in which the title to lands shall not come in question ; together with full power and authority to hear and determine all and every the same complaints, actions and pleas, and judgments thereon to render, and execution thereof to award and make ; and that the said Mayor and Recorder, or either of them, the same Court may hold for so long time as circumstances shall require, and as they or either of them shall think fit, not exceeding five days in each term ; and at the end of each of the said terms shall adjourn the said Court unto the term

then next ensuing ; and to act and do every thing therein in such manner and form, and by such and the like methods, process and proceedings, and as fully and amply as in our other Courts of Record, in such or the like cases is used or can or may be acted and done according to the laws of that part of our Kingdom of Great Britain called England, and of our said Province of New Brunswick, subject nevertheless to a writ or writs of error, returnable in our Supreme Court of jurisdiction for our said Province of New Brunswick, which they are hereby directed and required to allow, except in those causes which shall not exceed ten pounds, or in actions of slander and assault and battery. And we further ordain and hereby authorize the said Mayor and Recorder by any adjournment at the end of any the said stated terms, to call and hold the said Court in the vacation of the said terms (not exceeding once a month) over and above the said stated terms, as they or either of them the said Mayor or Recorder shall think expedient for the dispatch of, and the trying and determining the actions and causes that were depending, undetermined in the said County ; and judgment in all and any such causes and actions to render, and executions thereon to award and make as of the term preceding, as fully, amply and effectually as if the same was or had been heard, tried and determined at such preceding term ; and for that purpose that all process necessary for the trial of causes at such adjourned sittings of the said Court, shall and may be made returnable at such sittings ; and the said Mayor and Recorder, or either of them, at the said sittings, shall and may make such rules and orders, for dispatch of the said causes and actions, as they could or might make in term time in the said Court.

And further of our abundant grace, certain knowledge and mere motion, we have willed, ordained and directed, and by these presents for us, our heirs and successors, do grant unto the said Mayor, Aldermen and Commonalty of the said City of Saint John and their successors, that the Court House and Gaol or Gaols of and for the said City and County of Saint John, which shall be erected and built by the freeholders and inhabitants of the said City and County, shall be, and for ever hereafter shall remain, continue, and be within the limits of the said City of Saint John, and in such part and parts of the

said City as the Mayor, Aldermen and Commonalty of the said City shall think fit and proper ; and that until the freeholders and inhabitants of the said City and County shall be enabled to erect and build a Court House and Gaol for the said City and County, we do hereby declare, that the house, situate in Germain street in Queen's Ward, lately occupied by our Supreme Court of Judicature, of our said Province, in Hilary and Easter terms last, is the Court House as well for the said City as for the City and County of Saint John aforesaid, and as such may be appointed by the said Mayor, Aldermen and Commonalty of the City aforesaid ; and that the block house near Fort Howe, in our said County of Saint John, and the guard room in the said fort, are hereby declared to be the gaol, as well of the said City as of the City and County of Saint John, until other gaol or gaols in and for the said City, and City and County aforesaid, shall be erected and built, by virtue of the powers before given or to be given hereafter, and shall be appointed and appropriated by the said Mayor, Aldermen and Commonalty, or their successors, for the uses and purposes aforesaid. And further for us, our heirs and successors, we do hereby appoint the said Bartholomew Crannell to be Clerk of the Peace of us, our heirs and successors, and of the Sessions of the Peace for and in the City and County of Saint John, and also Clerk of the said Inferior Court of Common Pleas, of and for the said City and County, and keeper of the memorandums, rolls, records, minuments and other writings, as well of the said City, as of the said Courts of the City and County aforesaid, and every of them respectively ; and to continue in the said offices, and to act and execute the same by himself, or his sufficient deputy or deputies, and have, take and enjoy, the fees, perquisites and profits to the said offices, or either of them belonging or appertaining, during our pleasure. And further we do, for us, our heirs and successors, grant to the said Mayor, Aldermen and Commonalty of the said City of Saint John and their successors, and we do hereby will and ordain, that the Common Clerk of the said City of Saint John, shall be for ever hereafter Clerk of the Peace and of the Sessions of the Peace, and Clerk of the Inferior Court of Common Pleas, and keeper of the memorandums, rolls, records, minuments and other writings of the said

City, and of the said City and County respectively. And we do further for us our heirs and successors, will and grant, and so often as the said office shall be vacant, the Common Council of the said City for the time being, shall and may appoint one other honest and discreet citizen, being an inhabitant and freeman of the said City, and of good capacity and understanding, and skilful in the laws of England and of the said Province of New Brunswick, to be Common Clerk of the said City, and Clerk of the said Court of Record, in and for the said City, and Clerk of the Peace and of the Sessions of the Peace, in and for the said City and County of Saint John, to act and execute the said offices, and who shall and may execute, do and receive, all and whatsoever to the said offices and every of them belongs, or shall belong or appertain, till another, an inhabitant and freeman of the said City, and of good capacity and understanding, and skilful in the laws of England, and of the said Province of New Brunswick, shall be appointed and sworn into, or for the said offices, by the Governor or Commander in Chief of the said Province for the time being, and shall have taken such an oath as is hereby directed for every such person so to be appointed to take, and so from time to time, and as often as the case may or shall so happen.

And further we do for us, our heirs and successors, will, ordain and grant that the said Sheriff of the said City, shall be Sheriff of the said City and County so long as he shall be and continue Sheriff of the said City : and that the Sheriff of the said City hereafter to be appointed shall for ever hereafter be Sheriff of the said City and County, and hold, exercise and enjoy the said office of Sheriff in and throughout all and every the parts and districts of the said City and County of Saint John : And that the said Coroner of the said City of Saint John, shall be Coroner of the said City and County, so long as he shall be and continue Coroner of the said City ; and that the Coroner of the said City, hereafter to be appointed, shall for ever hereafter be Coroner of the said City and County, and hold, exercise and enjoy the said office of Coroner in and throughout all and every the parts and districts of the said City and County of Saint John.

And we do further, of our especial grace, certain knowledge and mere motion, for us, our heirs and successors, by these

presents, give and grant unto the aforesaid Mayor, Aldermen and Commonalty of the said City of Saint John, and their successors for ever, that they and their successors, all and singular the rights, privileges, franchises, prebiminces, advantages, authorities, jurisdictions, liberties, offices, courts, powers, immunities, ferries, ferriages, profits and perquisites herein before mentioned, or intended to be hereby granted, shall and may for ever hereafter have, hold, enjoy and use happily and in peace, freely and quietly, fully and honorably, with all liberties and free customs to the same appertaining, without the hinderance or impediment of us, our heirs or successors, or any of the Justices, Sheriffs, Escheators, Coroners, Bailiffs or other officers or ministers whatsoever of us, our heirs or successors whatsoever.

And further, we do of our more abundant grace, certain knowledge and mere motion, will, declare and signify, and by these presents for us, our heirs and successors, do grant unto and covenant with the said Mayor, Aldermen and Commonalty of the City of Saint John and their successors, not only that they and their successors for ever hereafter, may and shall have, hold, use, possess and enjoy, all the rights, privileges, liberties, franchises, jurisdictions, courts, powers, offices, authorities, markets, ferries, fairs, fees, fines, amerciaments, perquisites, profits, immunities, and also the rents, possessions, lands, tenements and hereditaments, and all other the premises in these presents mentioned and intended to be hereby granted, but also that these our letters being entered upon record, as is herein after appointed, and the record or enrolment thereof, and either of them, and all and every thing therein contained from time to time, and at all times hereafter, be and shall be, firm, valid, good, sufficient and effectual in law, towards and against us, our heirs and successors, according to the true intention thereof; and in and through all things shall be construed, taken and expounded most benignly and in favour, and for the most and greatest advantage, profit and benefit of the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors, as well in all Courts as elsewhere, without any confirmation, licences, tolerations procured, or to be procured of us, our heirs or successors, notwithstanding that any writ or writs of

ad quod damnum have or have not issued, or is or are not returned, before the making of these presents, and notwithstanding the not reciting, misreciting, or not rightly or certainly reciting, or ill or wrong reciting the said rights, privileges, liberties, franchises, jurisdictions, courts, powers, offices, authorities, markets, ferries, fairs, fees, amerciaments, perquisites, profits, immunities, rents, possessions, lands, tenements, hereditaments, and any other the premises in or by these presents granted or mentioned, or intended to be hereby granted, or any part or parcel thereof, and notwithstanding the not finding, or ill or not right or certain finding of any office or offices, inquisition or inquisitions of the premises hereby granted or mentioned, or intended to be hereby granted, or any part or parcel thereof, by which our title in and to the said premises, or any part thereof might, could, should or ought to have been found, before the making of these presents, and notwithstanding any defect in not reciting or ill reciting of any lease, grant or grants of the premises, or any part thereof, being upon record or not upon record, or otherwise howsoever, and notwithstanding the ill naming, misnaming, or not right or certain naming, any place or precinct wherein the premises or any part thereof are or is, and notwithstanding any defect in not mentioning, or not fully, rightly or certainly mentioning the name or names of all or any the rights, privileges, liberties, franchises, jurisdictions, courts, powers, offices, authorities, markets, ferries, fairs, fees, amerciaments, perquisites, profits, immunities, rents, possessions, lands, tenements, hereditaments, or other the premises hereby granted or intended to be granted, or any part or parcel thereof, or of the yearly or other rent of, or reserved in and upon the premises, or any part thereof, by any former grant or grants, by or under our great seal of any of our said Provinces, to any person or persons whatsoever, and notwithstanding any defect for the want of a computation or declaration, or for the omission of the true value of the premises in these presents mentioned or intended to be hereby granted, or any part thereof, and notwithstanding any defect in not mentioning our true right, estate or title, of or to the same premises, or any part or parcel of them, and notwithstanding the not mentioning, or not fully, rightly or certainly mentioning the natures, kinds, species or quantities of the premises, or any

of them, or any part or parcel of them, and notwithstanding any Act, Statute or Ordinance of Parliament, or any Act of Assembly, and notwithstanding any other defects, defaults, or imperfections, or any other cause or thing whatsoever.

And further, that if any fault, mistake or imperfection, in time to come shall be found in these presents, or any doubt, scruple or question be, or shall be made, or shall happen to arise concerning the premises or any part thereof, that we, our heirs and successors, shall and will vouchsafe to make any other grant or assurance under the great seal of us, our heirs or successors, of the said Province of New Brunswick, to the Mayor, Aldermen and Commonalty of the City of Saint John for the time being, and their successors, at their own proper charges, for the better giving, granting and confirming, and for their safe and better enjoying the premises aforesaid, and every part thereof, when it shall be desired by the same Mayor, Aldermen and Commonalty of the City of Saint John, or their successors. Also, we will, and by these presents grant unto the said Mayor, Aldermen and Commonalty, that they shall and may have these presents made and sealed under the great seal of our said Province of New Brunswick, without rendering, paying, or making any fine or fee, great or little, to us, or to our use, for the same, although no express mention is made of the true, yearly or other value, or of the certainty of the premises or any part thereof, or of the gifts or grants heretofore by us, or our ancestors, or by any Governor, Lieutenant Governor or Commander in Chief, of either of the said Provinces of Nova Scotia or New Brunswick, or to any of the inhabitants of the said City of Saint John, or other person or persons whatsoever, by the name, style or title of any country, town, city, parish, place or district whatsoever, or any other Statute, Act, Ordinance, Proclamation, provision or restriction, made, published, ordained or provided to the contrary, or any other cause or matter whatsoever, in any wise notwithstanding.

In testimony whereof, we have caused these our letters to be made patent, and the great seal of our said Province of New Brunswick, to be hereunto affixed, and the same to be entered of record in our Secretary's office of our said Province, in one of the books of patents there remaining. Witness our trusty and well beloved Thomas Carleton, Esquire, our Cap-

tain General and Governor in Chief of our said Province of New Brunswick, and territories thereon depending, at Saint John, this eighteenth day of May, in the year of our Lord one thousand seven hundred and eighty five, and in the twenty fifth year of our reign.

THOS. CARLETON.

By His Excellency's Command.

JON. ODELL, *Sec'y.*

I have perused this Charter, and find nothing therein prejudicial to the interest of His Majesty.

WARD CHIPMAN, *Attorney General.*

30th April, 1785.

No. 2.

ORIGINAL COUNTY CHARTER.

GEORGE the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth. To all to whom these presents shall come, or may in any wise concern, Greeting:

Know ye, That we, reposing especial trust and confidence in the ability and integrity of Abraham DePeyster, Thomas Lester, and Anthony Allaire, Esquires, have appointed, constituted and declared, and do by these presents appoint, constitute and declare you the said Abraham DePeyster to be High Sheriff of our County of Sunbury, in our Province of New Brunswick, (the bounds of which County of Sunbury are hereby defined to be and are hereby as follows, to wit:— Bounded on the north west by the County of York, on the north east by the County of Northumberland, on the south east by Queen's County, and on the south west by the County of Charlotte); and we do hereby appoint, constitute and declare you the said Thomas Lester and Anthony Allaire to be Coroners of the said County, hereby giving and granting to you the said Abraham DePeyster, Thomas Lester, and Anthony Allaire, respectively, full power and authority to hold, exercise and

enjoy the said office of Sheriff and of Coroners respectively, in and throughout all and every the parts and districts of the said County of Sunbury, until the Feast of Saint Michael, which will be in the year of our Lord one thousand seven hundred and eighty six, and from thence until other fit persons shall be appointed and sworn into the said offices respectively, and to do and execute all things which unto the said offices of Sheriff and Coroner of the said County, doth, shall or may belong or appertain; also hereby giving and granting to the said Abraham DePeyster, Thomas Lester, and Anthony Allaire respectively, the several fees, perquisites and profits to the said respective offices belonging, or which shall or may thereunto belong. And further know ye, that we, reposing full trust and confidence in the learning, ability and integrity of James Symonds, John Mersereau, Thomas Colden, Samuel Peabody, William Hubbard, Gerardus Clows, Joseph Clarke, Richard Vanderburgh, and — —, Esquires, have assigned, and do by these presents assign you the said James Symonds, John Mersereau, Thomas Colden, Samuel Peabody, William Hubbard, Gerardus Clows, Joseph Clarke, Richard Vanderburgh, and — —, to be Justices of the said County of Sunbury, the peace of us, our heirs and successors, within the said County, and the limits and jurisdiction and extent thereof, to keep; and that any two or more of you the said James Symonds, John Mersereau, Thomas Colden, Samuel Peabody, William Hubbard, Gerardus Clows, Joseph Clarke, Richard Vanderburgh, and — —, whereof we will that one of you the said James Symonds, John Mersereau, Thomas Colden, and Samuel Peabody be one, shall and may hold and keep two Courts of General Sessions of the Peace in each year, in and for the said County, to begin at certain times of the year, to wit, on the third Tuesdays of June and January, each of which Sessions shall and may last, continue and be held any time from the days aforesaid respectively, not exceeding five days, as to the Justices present shall seem necessary and convenient, to finish the business before them in the said Sessions, hereby giving and granting to you the said James Symonds, John Mersereau, Thomas Colden, Samuel Peabody, William Hubbard, Gerardus Clows, Joseph Clarke, Richard Vanderburgh, and — —, or any two of you, whereof we will that

any one of you the said James Symonds, John Mersereau, Thomas Colden, and Samuel Peabody be one, in the said Court of General Sessions of the Peace, full power and authority to enquire of, hear and determine within the County aforesaid, all and all manner of felonies, imprisonments, riots, routs, oppressions, extortions, forestallings, regratings, trespasses, offences, and all and singular other evils, deeds and offences whatsoever, within the County aforesaid, from time to time perpetrated, done, arising or happening, which to the office of Justice of the Peace are incumbent, or do in any manner belong, or which hereafter shall happen to belong or be incumbent, or which in any manner before the Justices of the Peace, at the Sessions of the Peace, ought or may be enquired into, heard and determined, together with the correction and punishment thereof, and to do and execute all other things within the County aforesaid, and the liberties and precincts thereof, as fully, freely and entirely, and in as ample manner and form as Justices of the Peace of us, our heirs and successors, any where within that part of our Kingdom of Great Britain called England, by the laws, statutes or customs of England, or by any other legal method whatsoever, heretofore had or exercised, or hereafter to be had or exercised, could, might or can do, and in as ample manner and form as if the same had been in these our letters particularly and by special words expressed, contained and mentioned; and that you or either of you the said Justices of the Peace of us, our heirs and successors, in the County aforesaid, may have and exercise jurisdiction in all causes, matters and things whatsoever, which to Justices of the Peace of our said County in any manner do or ought to belong. And we do hereby direct, order and appoint the aforesaid Sheriff and Coroners, and all other officers of the said County for the time being, and they are and each of them is hereby commanded, authorized and fully empowered to execute and return all and every the precepts and commands of you the said Justices, and either or any of you, from time to time and at all times hereafter, as fully and effectually as any sheriff, minister or officer of any County any where within that part of our Kingdom of Great Britain called England, the warrants, mandates or commands of any Justices of Peace there hath used to make, return or execute in any manner whatsoever.

And moreover of our abundant grace, certain knowledge and mere motion, we have willed, ordained and constituted James Symonds, John Mersereau, and Thomas Colden, and reposing especial trust and confidence in the learning, ability and integrity of you the said James Symonds, John Mersereau, and Thomas Colden, do by these presents, for the due, orderly, convenient and expeditious administration of justice to and among our loving subjects, inhabitants of the said County, assign, constitute, appoint and declare you the said James Symonds, John Mersereau, and Thomas Colden, our Justices of our Inferior Court of Record of the Common Pleas in and for the said County of Sunbury, to be held before you the said James Symonds, John Mersereau, and Thomas Colden, or any one of you, at our Court House in the Township of Manger-ville, in the said County, at two terms yearly, to wit, on the third Tuesdays of June and January in every year, and that any one of you the said James Symonds, John Mersereau, and Thomas Colden, the other not being present, shall and may in the name of us, our heirs and successors, hold pleas, and have cognizance of all and all manner of complaints, actions and pleas whatsoever, arising and accruing within our said County and the limits thereof, which shall be brought in the said Court, and which shall be for more than forty shillings and shall not exceed fifty pounds in value, and in which the title to lands shall not come into question; together with full power and authority to hear and determine all and every the same complaints, actions and pleas, and judgments thereon to render, and execution thereof to award and make. And that you the said James Symonds, John Mersereau, and Thomas Colden, or either of you, the same Court may hold for so long time as circumstances may require, not exceeding five days in each term, and at the end of each of the said terms shall adjourn the said Court until the term then next ensuing, and to act and do every thing therein in such manner and form, and by such and the like methods, process and proceedings, and as fully and amply as in our other Courts of Record in such and the like cases is used, or can or may be acted and done, according to the laws of that part of our Kingdom of Great Britain called England, and of our said Province of New Brunswick, for and during our pleasure, are subject nevertheless to a writ or writs of

error, returnable in our Supreme Court of Judicature for our said Province of New Brunswick, which you are hereby directed and required to allow, except in those causes which shall not exceed ten pounds, or in actions of slander, and assault and battery. And we further hereby ordain, establish and declare, that the Court House and Gaol in the Township of Maugerville aforesaid, is and shall be the Court House and Gaol of the said County of Sunbury, and as such shall be known and used in and throughout the said County.

And further reposing especial trust and confidence in the integrity, skill and knowledge of the laws of Samuel Denny Street, Esquire, we do hereby appoint you the said Samuel Denny Street to be Clerk of the Peace of us, our heirs and successors, and of the Sessions of the Peace for and in the said County of Sunbury, and also Clerk of the said Inferior Court of Common Pleas of and for the said County, and keeper of the memorandums, rolls, records, minuments and other writings of the said Court, and of the County aforesaid, and every of them respectively, and to continue in the said offices and to act and execute the same by yourself or your sufficient deputy and deputies, and have, take and enjoy, the fees, perquisites and profits to the said offices and every of them belonging or appertaining during our pleasure. And further we do assign and appoint you the said Samuel Denny Street, and in your absence your sufficient deputy, clerk associate of the said Inferior Court of Common Pleas, to be associated and joined with our Justices aforesaid, at the terms of our said Court, to be holden as aforesaid, and to act and do all manner of things which to a Justice of our said Court in term doth belong or may appertain. And further we do hereby assign, appoint, establish and declare you Samuel Denny Street, a puisne Judge of the Court to be holden before you or your sufficient deputy, and any one of our Justices of the Peace for the said County of Sunbury on every first Thursday of each month, and also so often as you shall find necessary or convenient, not exceeding once in every fortnight, at our Court House, and at some convenient place in each and every Township or District in the said County, which the said Justice, and you the said Samuel Denny Street or your deputy associate together, as Judges of and in the said Court, shall by these presents have

full power and authority to hear and finally determine all actions, cases and causes wherein the sum or thing demanded shall not exceed the sum or value of forty shillings, and judgment thereof to render with costs, and executions of the said judgment to award. And we do further ordain that the said Court shall be called the Clerk's Court of the County of Sunbury, and that by that name the process of the said Court shall be issued to the Constables of the District or Town, and that the first process to bring any defendant in to answer, shall be by summons, but if any person shall neglect to appear and answer on his being so summoned, or if it shall in the first instance appear by affidavit that he is about to depart the limits of the said County, then, and in either of those cases the plaintiff in such action may proceed by attachment. And for the more speedy determining of all controversies in the said Court, and to lessen the expense thereof, we do ordain and direct that the plaint and pleadings in all causes shall be ore tenus according to the usage and practice of the Courts held before one of our Sheriffs of our Counties in our realms of England, and the issue and proceedings shall be kept and entered by the said Clerk associate or his deputy in short entries. And we also ordain and direct, that by virtue of these presents, and without any precept thereof to the Constables of the said Towns or Districts, or either of them, they shall severally and respectively from time to time, summon and return a Jury of twelve honest and lawful freeholders of the said County to appear in the said Court in each respective District on every Court day as aforesaid, who being first sworn impartially and truly to hear and determine the several causes brought before them, shall proceed to try all issues, and assess damages in all causes which shall be given in charge to such Jury by the said Court. And that if there shall happen to be defect of Jurors for cause of challenge or otherwise, the same shall be supplied from time to time by a tales de circumstantibus, according to the practice of the Courts of the common law, and that the evidence to be given to the said Jury shall be by witnesses viva voce, or such other evidence as is admissible by the rules of law, and not by oath of either party. And we do also hereby ordain and direct, that on all judgments to be given or rendered by the said Court, the party recovering

may have execution against the body or goods of the adverse party at his election, provided that on execution against the body a certain time shall be inserted in the warrant of execution, directing how long the party shall be imprisoned, which shall not exceed three calendar months, but for as much shorter time as the said Clerk in his discretion shall think fit. And we do hereby order and appoint that the Constables and keeper of the gaol of the said County for the time being, shall and may, and they and each and every of them are hereby commanded, authorized and fully empowered to execute and return all and every the precepts and commands of the Justice and Clerk of the said Court or his deputy, or either of them. And we do also hereby ordain, that for any contempt, abuse or disturbance committed or done in or to the said Court or process thereof, or for not appearing as a Juror when summoned, the party delinquent or so offending shall be subject either to an amercement not exceeding twenty shillings, or to be committed during the sitting of the Court, at the discretion of the said Court. And we do further ordain and direct, that before you the said Clerk or your deputy shall proceed to sit and hear causes in the said Court, you and he shall, besides the usual oaths, take an oath well and truly to execute the said office as Clerk and Judge of the said Court, for the trial of causes not exceeding forty shillings, and also as an associate in the aforesaid Court of Common Pleas, according to the best of your and his skill and knowledge, and that neither you or he will deny or delay justice to any one. And we hereby authorize and empower the said Samuel Denny Street to appoint sufficient deputies in the several districts of the said County of Sunbury for the purposes aforesaid.

Given under the great seal of our said Province of New Brunswick. Witness our trusty and well beloved Thomas Carleton, Esquire, Captain General and Governor in Chief of our said Province, at the City of Saint John, this twenty sixth day of July, in the year of our Lord one thousand seven hundred and eighty five, and in the twenty fifth year of our reign.

THOS. CARLETON.

By His Excellency's Command.

JON. ODELL, *Sec'y.*

No. 3.

MADRAS SCHOOL CHARTER.**NEW BRUNSWICK.**

GEORGE the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. To all to whom these presents shall come, Greeting:

Whereas many of our loving subjects, inhabitants of our Province of New Brunswick, in America, have by voluntary contributions, formed at our City of Saint John in the said Province, a School for the instruction of youth of both sexes, and particularly the indigent, in the principles of true religion and useful learning, according to the system called the Madras system, as improved by our loving subject Doctor Bell, and in use and practice in the British National Education Society, incorporated and established in that part of our United Kingdom called England: And whereas for the arrangement and better support of the said School, a sum of money has lately been granted by our General Assembly of our said Province of New Brunswick, towards erecting a suitable building for the accommodation of the said children and youth, to be so instructed and educated; and aid has been also given towards the support of the same School by the said National Society in England: And whereas our loving subjects the Honorable John Robinson, Mayor of our said City of Saint John, the Reverend Robert Wells, Rector of Trinity Church in the said City, Ward Chipman, Esquire, Recorder of the said City, George Burns, Doctor in Divinity, Henry Wright, William Scovil, John Head, and Edward James Jarvis, Esquires, inhabitants of our said City, chosen and appointed of our said loving subjects in our said City, to be a committee for managing and conducting the affairs of the said School so formed, have by their petition to our Lieutenant Governor and Commander in Chief of our said Province, prayed for our Royal Charter for the more perfect establishment of the said School, and for erecting a Corporation for receiving, managing and disposing of the funds for the use of the School, and extending the benefits of the said institution;—

Now therefore know ye, that we, being very desirous to promote and encourage an institution so useful and important, and to extend the benefits thereof to other parts of our said Province, have of our special grace, certain knowledge and mere motion, willed and ordained and granted, and do by the presents for us, our heirs and successors, will, ordain and grant, that the said School so formed in our said City, be for ever established, and be deemed and taken to be the central School within and for our said Province, for the instruction and education of children and youth of both sexes, and particularly the indigent, in the principles of true religion and useful learning, according to the system called the Madras system as aforesaid, and now in aid and practice in the British National Education Society, incorporated and established in England, or as the same may be improved by that National Society, in any buildings erected or to be erected in our said City of Saint John: And that our trusty and well beloved George Stracy Smyth, Lieutenant Governor and Commander in Chief of our said Province, or the Commander in Chief of our said Province for the time being; the Right Reverend Father in God, Robert Stanser, Lord Bishop of Nova Scotia, holding and exercising Episcopal jurisdiction in and over our said Province of New Brunswick, or the Bishop holding and exercising Episcopal jurisdiction in and over the same Province for the time being; our trusty and well beloved Jonathan Bliss, Chief Justice of our said Province of New Brunswick; or the Chief Justice of our said Province for the time being; our trusty and well beloved George Leonard, Christopher Billopp, Ward Chipman, John Coffin, Thomas Wetmore, John Robinson, William Black, and Harris William Hailes, Members of our Council for our said Province of New Brunswick, and the Members of our Council for our said Province, for the time being, not being Justices of our Supreme Court of Judicature for our said Province; our trusty and well beloved William Botsford, Speaker of our late House of Assembly of our said Province of New Brunswick, or the Speaker of our House of Assembly for our said Province for the time being; our trusty and well beloved Charles J. Peters, Judge of our Court of Vice Admiralty, or the Judge of our same Court for the time being; our trusty and well beloved John

Robinson, Mayor of our said City of Saint John, and Ward Chipman, Junior, Recorder of our said City, or the Mayor and Recorder of our said City, severally for the time being; the Reverend the Ecclesiastical Commissary of our said Province for the time being; the Reverend Robert Willis, Rector of Trinity Church in our said City of Saint John, or the Rector of the said Church for the time being; William Scovil and Harry Peters, Esquires, Church Wardens of the said Trinity Church, in the said City, and the Church Wardens of the said Church severally for the time being; the Reverend George Burns, Doctor in Divinity, Henry Wright, William Scovil, John Head, and Edward James Jarvis, Esquires, inhabitants of our said City of Saint John, be and for ever hereafter shall be, by virtue of these presents, one distinct body politic and corporate in deed and in name, by the name of the Governor and Trustees of the Madras School in New Brunswick; and that by the same name they shall have perpetual succession and a Common Seal, and that they and their successors shall from time to time have full power to break, alter, make new or change such common seal at their will and pleasure or as shall be found expedient; and that by the same name the said Governor and Trustees and their successors, from time to time and at all times hereafter, shall be a body politic and corporate in deed and in law, and be able and capable to have, take, receive, purchase, acquire, hold, possess, enjoy and retain; and we do hereby, for us, our heirs and successors, give and grant full authority and free licence to them and their successors by the aforesaid name to have, take, receive, purchase, acquire, hold, possess, enjoy and retain, to and for the use of the said School (notwithstanding any statute or statutes of mortmain) any lands, tenements, rents and hereditaments of what kind, nature or quality soever, so as that the same do not exceed in yearly value the sum of five hundred pounds of lawful money of our said Province of New Brunswick; and moreover to take, purchase, have, hold, enjoy, receive, possess and retain (notwithstanding any such statute or statutes to the contrary) all or any goods, chattels, charitable and other contributions, gifts and benefactions whatsoever; and also to give, grant, let and demise the said lands, tenements and hereditaments, by lease or leases for term of years not exceeding the term of

twenty one years from the time of granting thereof; and also to sell and dispose of all or any of the said goods and chattels, at their will and pleasure: and also to perform and execute all and every other lawful act and acts, thing and things whatsoever: and also that they and their successors by the name aforesaid, shall and may be persons able and capable in the law to plead and to be impleaded, to answer and to be answered unto, to defend and to be defended, in all or any Courts of Record or places of judicature in all and singular actions, pleas, suits, complaints, matters and demands whatsoever, of what kind and nature or sort soever, in as large, ample and beneficial manner and favour as any other body politic and corporate, or any other our liege subjects, being persons able and capable in law, may or can have, take, purchase, receive, hold, possess, enjoy, retain, sue, implead or answer, or be sued, impleaded or answered in any manner whatsoever.

And we do by these presents, for us, our heirs and successors, will, ordain and grant, that there shall and may be convened and held upon the first Tuesday in the month of July, yearly and every year, at the City Hall of the City of Saint John aforesaid, a court or meeting of the said Corporation of the Governor and Trustees of the Madras School in New Brunswick, for the ordering, managing and conducting of their affairs and interest, without any summons or any further warrant, commission or order in this behalf, and that the said Governor and Trustees, or any five or more of them, being then and there assembled together, shall be a legal court and meeting of the said Corporation, and shall have power to adjourn from day to day as the business and affairs of the said Corporation may require, and to do, execute and perform all and every act and acts, thing and things which the said Governor and Trustees are by these presents authorized and empowered at any court or meeting to do and transact and perform, in as full and ample manner as if all and every the members of the said Corporation were present, and also that the Governor or Commander in Chief of our said Province for the time being, shall have power and authority from time to time to summon or cause to be summoned and held any other court or meeting of the said Corporation at the City Hall of the said City, or elsewhere within the said City, as often as occasion shall

require, giving not less than ten days previous notice thereof; at all or any of which said courts or meetings any five or more of the said Governor and Trustees shall be sufficient to form a Board with all the powers and authority to do and transact and perform all and singular those things which the said Governor and Trustees are by these presents authorized and empowered at any court or meeting to do, act, transact and perform: and that the Lieutenant Governor and Commander in Chief of our said Province for the time being, or in his absence the first who may be present in the order herein before recited of those who are or shall be for the first time being ex officio members of the said Corporation, shall preside at every court or meeting of the said Corporation, and shall have and exercise all the rights, powers and authorities of Governor of the said Corporation and School for that time. And we do further by these presents for us, our heirs and successors, give and grant unto the said Governor and Trustees of the Madras School in New Brunswick and their successors, that they or any five or more of them at any court or meeting legally assembled as aforesaid, shall have power and authority to elect and appoint so many fit and able persons to be Preceptors and Instructors in the said School as they shall think necessary and expedient, and also to appoint some fit person to be Treasurer, and some fit person to be Clerk, and also as many fit and able persons to be officers and ministers of the said Corporation as they shall from time to time judge to be requisite and expedient; and also to make and provide for the said Preceptors and Instructors, Treasurer, Clerk and other officers and ministers such salaries, allowances, stipends and rewards in the execution of the said respective offices as they shall think meet: and the said Preceptors and Instructors, Treasurer, Clerk and other officers and ministers so elected and appointed to displace and remove, and other fit persons in their or any of their places at the pleasure and discretion of the said Corporation or any five or more of them, so met and assembled from time to time to elect and appoint: Provided always, and we do further will, ordain and declare, that the persons so elected and appointed Preceptors and Instructors in the said school, and each and every of them shall, before they enter upon the execution of the duties of their offices respectively,

be approved of and licenced by the Governor or Commander in Chief of the said Province for the time being, to teach and instruct in the said School : and that if such licence shall be refused or withheld in any case, the election and appointment of such person shall be deemed and considered to be void ; and the said Governor and Trustees shall proceed to the election and appointment of another person in the place of the one so rejected, to be in like manner approved and licenced, if our Governor or Commander in Chief for the time being shall think fit ; and so from time to time, as often as the person so elected and appointed shall be so rejected : Provided also, and we do by these presents for us, our heirs and successors, will, ordain and declare, that each and every of the members of the said Corporation now appointed, or who shall hereafter become Members of the said Corporation in manner as aforesaid, shall, before the undertaking of the execution of his office, take the following oath, to wit :—" I do swear that I will well and truly, according to the best of my judgment, perform the several duties annexed to the office of a member of the Corporation of the Governor and Trustees of the Madras School in New Brunswick. So help me God : " And also that the persons to be elected and appointed Preceptors and Instructors, Treasurer, Clerk, and all other officers and ministers of the said Corporation, shall, before undertaking the execution thereof, respectively take their several and respective oaths, for the due and faithful performance of their duties in their several and respective offices and places, before the Governor and Commander in Chief of the said Province for the time being, or before any two or more of our Council for our said Province for the time being, or before such person or persons as shall for that purpose be duly constituted and appointed by our said Governor or Commander in Chief for the time being, to whom we do by these presents give full power and authority to administer the same oaths respectively from time to time, according to our true meaning herein declared, without any further or other commission or warrant to be had and obtained from us, our heirs and successors, in this behalf.

And we do likewise, for us, our heirs and successors, by these presents, further give and grant unto the said Corporation of the Madras School in New Brunswick and their suc-

cessors, that they and their successors, or any five or more of them, at any court or meeting legally assembled as aforesaid, shall and may have full power and authority to frame, make and ordain from time to time, such reasonable acts, rules, orders, ordinances, laws and instructions as to them shall seem fit, good, wholesome, profitable and convenient, according to their sound discretion, for the support of the said Corporation, and of the said School, and for directing how and in what manner the said Preceptors and Instructors, Treasurer, Clerk, and other officers and ministers of the said Corporation for the time being, and persons employed by them, shall and ought to demean, bear and conduct themselves in their offices, places and trusts respectively; and for the good rule and government of the said School for the education and instruction of children and youth in manner as herein before mentioned; and all persons whatsoever received and admitted to inhabit and reside in any the houses and buildings of the said Corporation; and for and concerning the erecting and building of any house or houses or other buildings whatsoever, for the use of the said School; and the managing, ordering and disposing of all and every the lands, tenements, rents and hereditaments, goods, chattels, money or stock of the said Corporation; and also for and concerning the admission into the said School of children and youth, and their instruction, tuition and conduct; and for and concerning all other matters and things incident to or that shall or may concern the said School, or any other the matters, interests or affairs of the said Corporation: and the same acts, rules, orders, ordinances, laws and instructions so made and to be made, to revoke, repeal, alter and change, and others or new ones to frame, make and ordain, as they shall see cause; so as the said acts, rules, orders, ordinances, laws and instructions, or any of them, be not repugnant or contrary to the laws and statutes of that part of our United Kingdom called England, or of our said Province of New Brunswick: And further we will and by these presents for us, our heirs and successors, do grant, appoint and declare, that our Governor, Lieutenant Governor or Commander in Chief of our said Province for the time being, shall be the ordinary Visitor of the said Corporation and School, and shall and may from time to time, have all and all manner of power and authority as often as he shall

think fit, of visiting all and singular the acts, rules, orders, ordinances, laws, instructions, doings and proceedings of the said Corporation, and of doing and performing all things which he shall think to be conducive to the benefit and advantage of the said Corporation and School, or to the correction, reversal and reformation of any abuses or errors in the same; and have, hold and exercise all and all manner of visitorial power and authority therein.

And we do by these presents, for us, our heirs and successors, further will, require, appoint and declare, that it shall be the duty of the said Governor and Trustees of the Madras School in New Brunswick, and their successors, to use, employ, manage and dispose of all and singular the estates and funds of the said Corporation, in the best possible manner, for the education and instruction of the children and youth of both sexes in the principles of true religion and morality, and in useful learning, according to the system called the Madras system as aforesaid, as used and practised in the National Education Society in England; to hold and keep the Central School always in the City of Saint John aforesaid, and to extend the benefits of the institution to every other part of the Province from time to time, and as often as the funds and means of the said Corporation will enable them so to do; and further that the said Corporation shall cause to be kept by their said Treasurer, regular and fair accounts of all sums received and paid for the use of the said Corporation, and to render the account thereof each and every year, at the annual court or meeting of the said Corporation, on the first Tuesday in July, in writing, on oath of the said Treasurer; and that when the same account has passed the audit of the said Corporation at such annual meeting, it shall be transmitted to our said Governor or Commander in Chief of our said Province for the time being, as well for his inspection as for the inspection of our General Assembly of our said Province if required; and further that the said Governor and Trustees shall, each and every year, at such annual court or meeting, cause a report to be made of the state of the institution, and the same to be printed and published.

And lastly, we will and by these presents for us, our heirs and successors, do give and grant unto the said Governor and

Trustees of the Madras School in New Brunswick, and their successors, that these our letters patent, or the inrollment or exemplification thereof shall and may be good, firm, valid and effectual in the law, according to the true intent and meaning of the same; and shall be taken, construed and adjudged, in the most favourable and beneficial sense, for the best advantage of the said Corporation, as well in all our Courts of Record as elsewhere, and by all and singular Judges, Justices, officers, ministers and other subjects whatsoever of us, our heirs and successors, any misrecital, non-recital, omission, imperfection, defect, matter, cause or thing whatsoever to the contrary thereof in any wise notwithstanding.

In testimony whereof, we have caused these our letters to be made patent, and the Great Seal of our said Province of New Brunswick to be hereunto affixed. Witness our trusty and well beloved George Stracy Smyth, Esquire, our Lieutenant Governor and Commander in Chief of our said Province of New Brunswick, at Fredericton, the twenty third day of August, in the year of our Lord one thousand eight hundred and nineteen, and in the fifty ninth year of our reign.

G. S. SMYTH.

By His Excellency's Command.

H. H. CARMICHAEL, *Dy. Sec'y.*

I have perused this Charter, and find nothing therein prejudicial to His Majesty's interest.

THOMAS WETMORE, *Attorney General.*

21st August, 1819.

Recorded the second day of September, in the year of our Lord, 1819.

H. H. CARMICHAEL, *Dy. Register.*

INDEX.

AGRICULTURE.

BOTSFORD and WESTMORLAND, Society of,

Incorporation, 514.

Meeting, general, when and where, 514.

Officers to be chosen at, term, 514, 515.

Voting at, how, &c. 514.

Name and purpose, 514.

CARLETON COUNTY, Society of,

Incorporation, 498.

Meeting, general, when and where, 498, 501.

Officers to be chosen at, term, 498, 501.

Voting at, how, &c. 498.

Name and purpose, 498.

CHARLOTTE COUNTY, Society of,

Incorporation, 495.

Meeting, general, when and where, 495, 496.

Officers to be chosen at, term, 496.

Voting at, how, &c. 496.

Name and purpose, 496.

DISTRICT Society for Blackville, Blissville, and Ludlow,

Incorporation, 519.

Meeting, general, when and where, 519.

Officers to be chosen at, term, 519.

Voting at, how, &c. 519.

Name and purpose, 519.

DORCHESTER, Society of,

Incorporation, 520.

Meeting, general, when and where, 520.

Officers to be chosen at, term, 520.

Voting at, how, &c. 520.

Name and purpose, 520.

GLOUCESTER COUNTY, Society of,

Incorporation, 518.

Meeting, general, when and where, 518.

Officers to be chosen at, term, 518.

Voting at, how, &c. 518.

Name and purpose, 518.

GRAND LAKE, Queen's County, Society of,

Incorporation, 506, 507.

Meeting, general, when and where, 507.

Officers to be chosen at, term, 507.

Voting at, how, &c. 507.

Name and purpose, 506, 507.

AGRICULTURE—*Continued.*

- HARVEY, Society of,
 - Incorporation, name, powers, and purpose, 513.
- KENT COUNTY, Society of,
 - Incorporation, 504.
 - Meeting, general, when and where, 504.
 - Officers to be chosen at, term, 504, 505.
 - Name and purpose, 504.
- KING'S COUNTY, Central Society of,
 - Incorporation, 496, 497.
 - Meeting, general, when and where, 497.
 - Officers to be chosen at, term, 497.
 - Voting at, how, &c. 497.
 - Name and purpose, 497.
- KING'S COUNTY, Union Society of,
 - Incorporation, 499.
 - Meeting, general, when and where, 499.
 - Officers to be chosen at, term, 500.
 - Voting at, how, &c. 500.
 - Name and purpose, 499.
- KINGSTON, (Kent County) Society of,
 - Incorporation, 512.
 - Meeting, general, when and where, 513.
 - Officers to be chosen at, term, 513.
 - Voting at, how, &c. 513.
 - Name, powers, and purpose, 512.
- QUEEN'S COUNTY, Society of,
 - Incorporation, name, and powers, 517.
- SAINT PATRICK, Central Society,
 - Incorporation, 507, 508.
 - Meeting, general, when and where, 508.
 - Officers to be chosen at, term, 508.
 - Voting at, how, &c. 508.
 - Name and purpose, 508.
- SIMONDS, Society of,
 - Incorporation, 501, 502.
 - Meeting, general, when and where, 502.
 - Officers to be chosen at, term, 502.
 - Voting at, how, &c. 502.
 - Name and purpose, 502.
- SUNBURY COUNTY, Society of,
 - Incorporation, name, and powers, 500.
- SUSSEX and STUDHOLM, Society of,
 - Incorporation, 505.
 - Meeting, general, when and where, 506.
 - Officers to be chosen at, term, 506.
 - Voting at, how, &c. 506.
 - Name and purpose, 505.

AGRICULTURE—*Continued.*

UPHAM, Society of,

Incorporation, 503.

Meeting, general, when and where, 503.

Officers to be chosen at, term, 503.

Voting at, how, &c. 503.

Name and purpose, 503.

VICTORIA COUNTY, Society of,

Incorporation, 511.

Meeting, general, when and where, 511.

Officers to be chosen at, term, 511.

Voting at, how, &c. 511, 512.

Name and purpose, 511.

WAKEFIELD and BRIGHTON, Society of,

Incorporation, 515.

Meeting general, when and where, 516, 517.

Officers to be chosen at, term, 516, 517.

Voting at, how, &c. 516.

Name, powers, and purpose, 515.

WELLINGTON and DUNDAS, (Kent) Society of,

Incorporation, 510.

Meeting, general, when and where, 510.

Officers to be chosen at, term, 510.

Voting at, how, &c. 510.

Name, powers, and purpose, 510.

WESTMORLAND, &c. Society of,

Incorporation, 509.

Meeting general, when and where, 509.

Officers to be chosen at, term, 509.

Voting at, how, &c. 509.

Name, powers, and purpose, 509.

BANKS.

BRITISH NORTH AMERICA,

Act, &c. how long to apply to, 612, 613.

what not to extend to, 613.

Actions between Company and stockholders, proceedings, 610, 611.

proviso, 611.

by or against, commenced, &c. how to be, 608, 609.

what not to abate, 609, 610.

Criminal offences against, proceedings, 610.

Executions against, how executed, &c. 611, 612.

Judgments against, effect of, 612.

Stockholders in, names to be registered, when, &c. 613.

Transfer, &c. of stock, made, &c. how, 613, 614.

registered, when, &c. 614.

book for, furnished by whom, 614.

contents of, 614.

open for inspection, 614.

BANKS—*Continued.*

CENTRAL, of NEW BRUNSWICK,

Act, continuation of, 607, 623.

deemed public, 584.

Books, &c. of, inspection of, by whom, 580.

Bills, &c. discounted, when may be, 579.

Capital stock in, amount, 576, 603, 618, 642.

paid in, how, 576.

additional, banking operations on, when, 642, 643.

premiums on, disposal, 604, 642.

shares forfeited, how, 604.

subject to what, 605.

sold, &c. how, &c. 603, 618, 642.

notice of, 604, 618, 642.

shares in, assignable, how, &c. 579.

Cashier, bonds by, given when, nature of, 577.

duty of, as to return of state of Bank, 583, 605, 606.

Clerks, bonds by, given when, nature of, 577.

Corporation, dealings by, restriction as to, 580.

dissolution of, proceedings, 582.

powers of, as to lands, &c. 576.

Debts by, what not to exceed, 580, 605.

who liable for excess, 580.

Delinquent sheet, Cashier's duty as to, 584, 606.

Directors being on, &c. effect, 584.

President's duty as to, 584.

Directors in, appointment of Clerks, &c. by, 577.

chosen, when, &c. 576.

debts of, to Bank, extent, 582.

disqualified as, when, &c. 584.

meetings, general of, purpose, 581.

statement at, by, &c. 581.

when to be, 581.

not entitled to salary, 577.

number of, 576.

qualification of, 576, 577.

quorum, 577.

residence of, 643.

vacancies in, how supplied, 578.

votes of, how taken, 605.

Dividends made, by whom and when, 581.

payable, when, &c. 581.

Estate, real, amount may be held by, 643.

disposal of, how, &c. 576.

Examination of, by Joint Committee of House, 582.

powers of, 582.

Expenses of, from what fund paid, 577.

Incorporation, name, style, and powers, 574, 575.

Loan by, what shall not be made, 582.

BANKS—*Continued.*CENTRAL, of NEW BRUNSWICK—*Continued.*

- Notes, &c. of, circulated, &c. when may be, 579.
 - counterfeited, &c. liability of Bank, 581.
 - countersigned, by whom, 581.
 - not to be excluded by single vote, 577.
 - presentation of, before action brought, 606.
 - signed, by whom, 581.
 - to declare from what fund to be paid, 580.
 - proviso, 580.
- Officers of, from what fund paid, 577.
- President of, chosen by whom, and when, 576.
 - notice to Provincial Secretary, of what, 579.
 - proceedings and purpose, 579.
 - number of votes at board, 577.
- Return of, form, 583.
 - made, signed, and sworn to, by whom, 583.
 - what further, Cashier to make, &c. 583.
- Shares in, deemed what, 606.
 - seized, &c. on execution, proceedings, 606, 607.
- Stockholders in, liability of, for bills issued, what, 580.
 - exception, 580.
 - meetings, general, called how, &c. 582.
 - number of votes of, 577, 578.
 - proxy of, when may vote, 578.
 - shares of, how many may hold, 578.

CHARLOTTE COUNTY,

- Act, continuation of, 574, 623.
- Books, &c. of, access to, by whom, 573.
 - inspection of, by whom, 572, 573.
- Capital stock, amount, 567.
 - paid in, how, 567.
 - increased, 625.
 - disposal of, 625.
 - operations on, when, 625.
 - premiums on, divided, how, 625.
 - shares of, forfeited, disposal, 625, 626.
 - subject to what rules, &c. 626.
 - questions relating to, &c. how decided, 626.
 - instalments in, how paid, 571.
- Cashier of, bonds by, &c. when to be given, 570.
- Clerks of, bonds by, &c. when to be given, 570.
- Corporation of, powers as to lands, &c. 568.
- Debts, &c. of, from what fund payable, 572.
 - what not to exceed, 572.
- Delinquent sheet, Cashier's duty as to, 621.
 - Director being on, &c. effect, 621, 622.
 - President's duty as to, 621.

BANKS—*Continued.*CHARLOTTE COUNTY—*Continued.*

- Directors, appointment of officers of, by, 569.
 - chosen, how and when, 568.
 - debts due by, to, what not to exceed, 620.
 - duty of, as to statement of debts, &c. 573.
 - liability of, in private capacity, 572.
 - not entitled to salary, 570.
 - number of, 568, 622.
 - powers of, 568, 569, 623.
 - qualification of, 570.
 - quorum at board, 569, 570, 622, 623.
 - term of office, 568, 622.
 - vacancy in, how supplied, 570.
- Discounting, &c. by, when may commence, 571.
- Dissolution of, proceedings in, 574.
- Dividends payable, how, 572.
- Expenses, &c. of, from what fund paid, 569.
- Kept, where to be, 573.
- Loan by, what not to be made, 623.
- Notes, &c. of, binding on, when, 573.
 - counterfeited, &c. liability of, 573.
 - presentation of, before action brought, 622.
 - signed, by whom, 573.
- President of, chosen by whom, and when, 569, 622.
 - compensation to, 570.
 - number of votes of, at board, 570.
- Return of, form, 620, 621.
 - made, signed, and sworn to, by whom, 620.
 - what further, Cashier to make, 621.
- Restriction of, as to dealing in what, 572.
 - pledges to, disposal, 572.
- Shares in, assignable, &c. how, 571, 572.
 - number of, may be subscribed for, 570, 571.
- Stockholders, liability of, in individual capacity, 619.
 - exception, 619, 620.
 - meeting, annual, object, 569.
 - when and where, 569.
 - general, called, how and when, 568, 573, 574.
 - notice and purpose, 568.
 - what to determine at, 569.
 - votes by, number of, &c. 570.
 - proxy, 570.

COMMERCIAL,

Charter of, continuation of, 624.

NEW BRUNSWICK,

Act, continuation of, 564, 641.

Not affected by what, 565.

Books, &c. of, access to, by whom, 563.
inspection of, &c. 562.

BANKS—*Continued.*NEW BRUNSWICK—*Continued.*

- Capital stock, amount, 564, 565, 566, 567, 640.
 - shares in, forfeited, disposal, 598, 640, 641.
 - number, 505, 597, 640.
 - paid in, when, 565, 640.
 - sale of, &c. how, &c. 597, 598, 640.
 - per centage on, 598, 640.
 - subject to what rules, &c. 566, 598, 599, 640.
 - of City Bank, how, &c. received, &c. into, 615, 616.
 - notes, &c. of, transfer, &c. to B. N. B. 616.
 - officers of B. N. B. not affected by transfer, 616.
- Cashier of, bonds by, amount, and when to give, 560.
 - may appoint Deputy, when, &c. 641.
 - proceedings of board on, 641.
- Clerks of, bonds by, amount, and when to give, 560.
- Debts of, what property liable for, 562.
 - not to exceed, 562.
- Delinquent sheet, Cashier's duty as to, 602.
 - Director being on, &c. effect, 602.
 - President's duty as to, 602.
- Directors, appointment of officers by, 559.
 - allowance to, defrayed how, 559, 560.
 - board of, quorum at, 560, 618.
 - chosen at first meeting, to serve how long, 559.
 - continuance in office, 559, 617.
 - debts due by, to, extent allowed, 599.
 - duty of, as to statements of debts, &c. 563.
 - liability in private capacities, 562.
 - not allowed salary, 560.
 - number and powers of, 559, 560, 617.
 - qualification of, 560.
 - vacancy in, how supplied, 561.
- Dissolution of, proceedings, 564.
- Incorporation of, name, style, and powers, 557, 558.
- Kept, where to be, 563.
- Loan by, what not to be made, 599.
- Notes, &c. of, binding on, when, 562.
 - counterfeited, &c. liability of, 562, 563.
 - not to be excluded by single vote at board, 602.
 - payable from what fund, 562.
 - presentation of, before action brought, 599.
 - signed, &c. by whom to be, 562.
- Powers of, as to holding, &c. lands, &c. 558.
- President of, chosen, when and by whom, 559.
 - compensation to, how, &c. 560.
 - number of votes at board, 560.
- Restriction of, as to dealing in what, 561.
 - pledges to, disposal, 561.

BANKS—*Continued.*NEW BRUNSWICK—*Continued.*

Return, form of, 600, 601.

made, signed, and sworn to, by whom, 600, 601.

what further, Cashier to make, 601.

Shares in, assignable, &c. how, 561.

deemed what, 602.

seized, &c. proceedings on, 600.

Stockholders in, liable in individual capacity, how, &c. 599.

meeting, annual, when, 559.

general, 558.

called how, &c. 559, 563, 564.

notice and purpose, 558, 559.

what to determine at, 559.

number of votes by, 560.

proxy of, 561.

SAINT STEPHENS,

Act, continuation of, 597, 624.

questions under, how decided, 626,

Books, &c. open for inspection, 592.

Capital stock in, amount, 586.

increase of, 625.

shares in, 625.

forfeited, disposal, 625, 626.

operations on, when, 625.

premiums on, divided, 625.

sold, &c. how, 625.

notice of, 625.

* subject to what rules, &c. 626.

paid in, when to be, 586, 607.

seized, &c. in execution, proceedings, 596, 597.

shares in, assignable, how, &c. 591.

number of, 586.

Cashier, bonds by, nature of, 589.

Clerks, bonds by, nature of, 589.

Commissioners to examine, appointment and duty, 590.

Corporation of, lands, &c. may be held by, extent of, 587.

proviso as to mortgages, 587.

dealings of, restriction as to, 591.

proceedings of, examination of, by whom, &c. 593.

dissolution of, proceedings, 593, 594.

Debts due by, what not to exceed, 592.

who liable for excess, 592.

Delinquent sheet, Cashier's duty as to, 595.

Director being on, &c. effect, 596.

President's duty, as to, 595.

Directors, appointment of officers by, 588.

compensation to, 588.

chosen, when, 587, 588.

BANKS—*Continued.*SAINT STEPHENS—*Continued.*

- Directors, debts due by, to, extent, 594.
 - not to receive salary, 588.
 - number and powers of, 587, 588.
 - qualification, 589.
 - quorum, 588.
 - re-election of members, and when, 588.
 - term of service, 587.
 - vacancy in, how supplied, 590.
- Dividends, made by whom, and when, 592.
 - paid when, 592.
- Established where, 592.
- Expenses, &c. from what fund paid, 588.
- Incorporation, name, style, and powers, 585, 586.
- Loan by, what not allowed, 593.
- Notes, &c. of, counterfeited, &c. liability of Bank, 592.
 - countersigned by whom, 592.
 - offered at, for discount, what not to exclude, 588.
 - presentation of, before action brought, 596.
 - signed by whom, 592.
 - what to declare, proviso, 591, 592.
- President of, chosen by whom, and when, 588.
 - compensation to, 588.
 - notice to Provincial Secretary, when, &c. 590.
 - number of votes at board, 588.
- Return, Cashier's duty as to, 594, 595.
 - Directors' duty as to, 595.
 - form of, 594, 595.
 - laid before Legislature, by whom, 595.
- Stockholders in, liable for what debts, and extent, 591.
 - meeting, annual, when, 587, 588.
 - accounts to be laid before, 592, 593.
 - transmitted to whom, 593.
 - general, called how, &c. 587, 593.
 - what to be determined at, &c. 587.
 - number of votes may give, 589.
 - payment of instalments by, how, &c. 590.
 - proxy of, 589.
 - shares of, number may hold, 589, 590.

WESTMORLAND,

- Act, limitation of, 639.
- Capital stock, amount, 628.
 - increased, how, &c. 638, 639.
 - premiums on, divided how, 639.
 - sale of, how, &c. 639.
 - subject to what rules, &c. 639.
 - shares in, what, 628.
 - deemed what, 637.
 - seized in execution, proceedings, 638, 639.

BANKS—*Continued.*WESTMORLAND—*Continued.*

Cashier, bonds by, nature of, when to give, 630.

Clerks, bonds by, nature of, when to give, 630.

Corporation of, amount may owe, 633.

dealing in what by, prohibited, 632.

dissolution of, proceedings, 635.

lands, &c. of, what may hold, &c. 628.

proviso, 628.

proceedings of, examination into, by whom, 634.

Delinquent sheet, Cashier's duty as to, 637.

Director being on, &c. effect, 637.

President's duty as to, 637.

Directors in, appointment of Clerks, &c. by, 629.

compensation to, 629.

chosen, when to be, 628, 629.

debts due by, to, extent, 635.

dividends to be made by, when, &c. 633.

inspection of books, &c. by, when, 633.

not entitled to salary, 630.

number of, 628, 629.

qualification, 630.

quorum, 629.

statement of debts, &c. laid before whom, &c. 634.

vacancy in, how supplied, 631.

Established where, 634.

Loan by, what not allowed, 634.

Notes, &c. counterfeited, &c. liability of Bank as to, 633, 634.

offered for discount, what not to exclude, 630.

presentation of, before action brought, 637.

what to declare, 633.

President of, chosen by whom, &c. 629.

notice by, to Provincial Secretary, purpose, 631, 632.

number of votes at board, 629, 630.

Return, Cashier's duty as to, 635, 636.

Directors' duty as to, 636, 637.

form of, 636.

laid before Legislature, by whom, 636, 637.

Stockholders liable in private capacity, for what, 632.

meeting, annual, when, &c. 629.

general, 628.

done at, what, 628, 629.

called, how, &c. 628, 634, 635.

number of votes entitled to, 630.

payment of instalments, by whom, 631.

proxy of, 630.

shares in, assignable, how, &c. 632.

number may be held by, 630, 631.

CEMETERIES.

BURIAL GROUND, New, Burton,

- Lots assignable, when, 491.
- deeds of, when valid, 490, 491.
- plan of, deposited where, 490.
- inspection of, by whom, 490.
- made, 490.
- sale, &c. of what, by whom, 490.
- Rights in, whose not affected by Act, 491.

New, Saint John,

- Lots assignable, when, 484.
- deeds of, when valid, 484.
- plan of, deposited where, 484.
- inspection of, by whom, 484.
- made, 484.
- sale, &c. of what, by whom, 483.
- Rights in, whose not affected by Act, 484.

Roman Catholic, Portland,

- Corpse not to be interred in, after what time, 493.
- exception, 493.
- penalty for disobedience, 493.
- application and recovery, 493.
- removal of, from, when, &c. 493, 494.
- Rights in, what reserved, 494.

RURAL, Fredericton,

- Corporation, capital stock of, amount, 592.
- shares, 592.
- lands of, exempt from rates, &c. how long, 592.
- lots in, not to be taken in execution, &c. 593.
- meeting, first, called how, &c. 592.
- name, powers, &c. 591, 592.
- Misdemeanor, who deemed guilty of, 592.
- penalty and recovery, 592.
- Trespass upon, &c. action for, recovery and application, 592.

RURAL, Saint John,

- Assessment for, payment of, how required, 485.
- refusal to pay, proceedings, 485, 486.
- Corporation, capital stock of, amount, 485.
- shares, 485.
- assignable, how, 488.
- certificate of, 485.
- paid in, when, 485.
- Directors, appointment of Clerks, &c. by, 487.
- compensation to, 487.
- chosen, how and by whom, 487.
- when, 487, 494.
- powers, &c. of, 487.
- quorum, 487.
- vacancies in, how supplied, 488.

CEMETERIES—*Continued.*RURAL, Saint John—*Continued.*

Corporation,

Members of, cease to be, when, 488.

who deemed, 487.

votes by, who entitled, 487, 488.

number of, 488.

proxy, 488.

Name and powers, 485.

President of, chosen by whom, and when, 487.

Land of, description, 486.

free from taxes, &c. how long, 486.

lots in, certificate of, form, 486, 487.

validity of, &c. 487.

who entitled to, 486.

not liable to be levied, &c. upon, 489.

proceeds of sale of, disposal, 488.

tenure of, 494.

Misdemeanor, who deemed guilty of, 488, 489.

penalty, recovery, &c. 489.

Property of, in whom to vest, when shareholders cease to be

members of the Corporation, 488.

Trespass, action for, recovery and application, 489.

CHAMBER OF COMMERCE, Saint John,

Act, continuation of, 530.

what rights not affected by, 530.

Corporation,

Board of Arbitration of, affirmation, allowed, how, &c. 529, 530.

elected by whom, &c. 528.

members of, who may be, 529, 530.

name and number of, 528, 529.

oath of, administered by whom, 529.

filed, where, 529.

form of, 530.

nature of, 539.

perjury, who deemed guilty of, 530.

questions, decided, by whom, 529.

binding, when, &c. 529.

submitted to, what, 529.

submission to, form of, 530.

Council of, bye laws, &c. of, made by, 528.

submitted to whom, 528.

casting vote at, who to have, 528.

chosen, how, &c. 526.

consist of, whom to, 525, 526.

meetings of, minutes of, kept how, &c. 528.

inspection of, by whom, 528.

open to whom, restriction, 528.

who to preside at, 527, 528.

CHAMBER OF COMMERCE—*Continued.*

Corporation,

Council of, officers of, chosen how, &c. 526.

powers of, 526, 527.

proviso as to election of, 526.

quorum for business, 527.

term of office, 526.

vacancy in, how supplied, 526.

Funds, &c. of, how used, &c. 525.

Meeting of, general, called how, &c. 527.

place of, 525.

service of notice, &c. at, good, 525.

Members, elected how, &c. 527.

eligible for, who, 527.

Quorum of, 526, 527.

Subscriptions, due to, paid to whom, 528.

default, recovery, &c. 528.

Incorporation of, name and powers, 524, 525.

CHURCHES.

OF ENGLAND,

CHRIST, Fredericton,

Bishop of, what land to be conveyed to, and by whom, 368.

for what purpose, 368.

subject to what, 368.

Chapel "Saint Anne," and land, vested in, how, 367, 368.

Name of, 368.

Parish Church, when to be, 368.

Sittings in, free, exception, 368.

Corporation, sale of what leased lands by, may make, 370.

deeds of, &c. 371.

proceeds of, how, &c. disposed of, 371.

Election of Church Wardens, by whom, &c. 368.

Owners of pews in, compensation to, which, 369.

how settled, 370.

Remains of Lieutenant Governor Smyth, disposal, &c. of, 369.

certificate of, 369.

registry of, 369.

Removal, &c. of, by Church Wardens, &c. when, 369.

when by Bishop, 369.

CHRIST, Saint Stephens,

Corporation of, what of glebe may sell, 341.

deeds for, 341.

who to concur in, 341.

proceeds, how disposed of, 342.

DIOCESAN CHURCH SOCIETY,

Act when to take effect, 376.

Corporation, constitution, &c. of, what declared to be, 375.

alteration, &c. in, amended, &c. how, 375.

liabilities, what devolving upon, 376.

CHURCHES—*Continued.*

OF ENGLAND,

DIOCESAN CHURCH SOCIETY—*Continued.*

- Corporation, property of, application of, how, &c. 375.
 - held by, for what objects, &c. 375.
 - recovered, &c. how, 375, 376.
 - vested in, 375.
- Incorporation, name, and powers, 375.

PARISH OF MONCTON,

- Glebe lands in, sale of what, by whom, 357.
 - proceeds of, how invested, &c. 357.

SAINT ANDREWS, Saint Andrews,

- Act authorizing division of certain lands, confirmed, 344.
 - deemed public, 345.
- Justices, what to convey, and to whom, 344.
 - what lands vested in, 344.
 - purpose, 344.

Restraining clause, 345.

What rights not affected by, 345.

- Glebe lands, sale of what, by, and to whom, 338.
 - proceeds of, invested, &c. how, 338.

SAINT ANN'S, Sackville,

- Corporation, glebe lands, sale of what, &c. 351.
 - proceeds, application, 351, 352.

SAINT GEORGE, Bathurst,

- Glebe lands in, sale of what, by whom, 354.
 - whose concurrence, 354.
 - proceeds of, invested, &c. how, &c. 354.

SAINT GEORGE, Carleton, Saint John,

- Church Wardens, &c. elected, by whom and when, 339, 340.
 - incorporated, how, &c. 340.
 - what lands vested in, and how, &c. 340.
 - what rights reserved, 341.

Parish of, estates held, for what purposes, &c. 339,

SAINT JAMES, Saint John,

- Corporation, powers of, 359, 360.
- Parish of, Church Wardens, &c. elected by whom, how, and when, 359.
 - qualification of, 359.
 - erected how, &c. 358.
 - incorporated, how, &c. 358, 359.
 - what lands vested in, 359.

SAINT JOHN, Burton,

- Glebe lands in, sale of what, by whom and how, 370.
 - whose concurrence, 370.
 - proceeds of, invested, and how, 371.

SAINT LUKE'S, Portland,

- Act, what repealed, 348.
 - when to take effect, 350.

CHURCHES—*Continued.*

OF ENGLAND,

SAINT LUKE'S, Portland—*Continued.*

- Corporation of, debts, &c. payable, &c. to, what, 348.
- lands vested in what, 349, 350.
- liable for what debts, &c. 348.
- name, &c. 348.
- pew rents, &c. recoverable by, 348, 349.
- property vested in, what, 348.

SAINT MARK'S, Saint John,

- Bonds to, what and by whom to be given, 363, 364.
- Church Wardens, &c. elected by whom, and when, 363.
- Corporation, 362.

- church, what vested in, 363.
- rents, &c. of, recovery, &c. 364.
- lands, what vested in, 362.
- powers of, 364,

Erected, for ecclesiastical purposes, 362.

SAINT MARK'S, Saint Stephen,

- Corporation, glebe lands of, what may sell, 365.
- with whom concerned, 365.
- proceeds of sale, invested how, &c. 365.

SAINT MARY'S, Richibucto,

- Corporation, glebe lands in, sale of what, how, &c. 352, 355, 366.
- proceeds, how invested, 352, 355, 366.

SAINT THOMAS', Saint James,

- Corporation, glebe lands in, sale of what, how, &c. 353.
- proceeds of, invested, &c. how, 353, 354.

TRINITY, Saint John,

- Corporation, lands, sale of what, authorized how, &c. 346.
- proceeds, disposal of, how, 346.

FREE BAPTIST,

- Conveyance, &c. to, when deemed made to Conference, 432.
- Corporation of, meeting, first, when and where, 431.
- quorum, 431.
- name, and powers, 431.
- Lands, &c. conveyed to, subject to provisions of Act, when, 431, 432.
- what right not to interfere with, 402.
- Meeting houses, trustees of, bodies corporate, 431.
- name, &c. elected by whom, 431.
- number and powers, 431.
- Revenue, annual, from lands, extent, 432.

OF THE CHURCH OF SCOTLAND, generally,

- Trustees, chairman of, chosen how, &c. 392.
- election of, by whom, and how, 391, 392.
- incorporated how, &c. 381, 382, 383.
- meetings of, quorum, 392.
- refusing to act, &c. vacancy, how supplied, 393.

CHURCHES—*Continued.*

- CHURCH OF SCOTLAND, Saint Andrews,
 Trustees of, authorized to sell what lands, 390.
 deeds of, validity of, 391.
 proceeds of sale, invested how, 390, 391.
- KIRK OF SCOTLAND, Newcastle,
 Incorporated, name and powers, &c. 377.
 Lands of, what, vested in whom, 377.
- SAINT ANDREWS, Saint John,
 Acts, repeal of, 378.
 Ministers, &c. of, chosen, &c. how, 380.
 how to hold offices, 380.
 Trustees incorporated, how, &c. 378, 379.
 name and powers, 379.
 lands vested in, what, 379, 380.
 disposal of, 382.
 liable for what, 380.
 of other Scotch Churches, how incorporated, 381-2-3.
- SAINT JOHN, Richmond,
 Trustees of, authorized to sell what lands, 384.
 proceeds of sale, invested how, 384.
- SAINT LUKE'S, Bathurst,
 Ministers of, authorized to sell what lands, 388,
 proceeds of sale, invested how, 388.
 rights, what reserved, 388.
- SAINT STEPHEN'S, Saint John,
 Lands, sale of what, 385.
 Commissioners for, appointed, when, &c. 386.
 duty of, 386.
 eligible for, who, 389.
 estate, what vested in, 394, 395.
 investment of proceeds, by, 386.
 leases by, what, &c. 395.
 loans of money, by, &c. 395.
 number, 396.
 powers, 386, 389.
 vacancy, how supplied, 395.
 Interior fittings of, reserved for what, &c. by whom, 387.
 New Church, to be in connexion with, 387.
 Pewholders in, payment of preference money to, how, &c. 387, 394.
 Trustees of, sale of what lands authorized to make, &c. 385.
 application of proceeds by, 385, 386.
- ORTHODOX CONGREGATION, Milltown,
 Incorporation of, name, and powers, 423, 424.
- PRESBYTERIAN, not in connexion with Church of Scotland,
 Incorporation of, name, and powers, 416, 420.
 Lands of, vested in, when, 417.
 Minister, &c. of, election of, in whom, how, &c. 417, 418, 420.
 tenure of office, 418.

CHURCHES—*Continued.*

PRESBYTERIAN, &c.—*Continued.*

- Trustees, election of, by whom, &c. 417.
 - liable for what, expenses, &c. 418.
 - paid, to be, by whom, 418.
 - of other churches, of same faith, incorporated, when, 419.

REFORMED PRESBYTERIAN, Saint John,

- Incorporation, name, and powers, 421, 422.
- Trustees, election of, by whom, &c. 422.
 - of other churches, of same faith, incorporated, when, 423.
 - property vested in, what, 422.

WESLEYAN METHODIST,

- Conference of, when established, what lands, &c. to vest in, 429.
 - rights, &c. to vest in, 428.
 - words "rules and usages," what to refer to, 429.
- Ministers of District, annual value of land, held by, extent, 429.
 - bequests to, vested in whom, 428.
 - funds vested in, to make rules relating to, 427.
 - incorporated, name, 426.
 - lands, &c. vested in, 426.
 - for what uses, 427.
 - powers of, 428.
- Trustees, annual value of lands held by, what not to exceed, 429.
 - appointed, when not named in conveyance of land, 427.
 - books of record of, copy of, evidence of what, 428.
 - evidence of what, 428.
 - kept by whom, 428.
 - incorporated, name, 426.
 - lands, &c. vested in, 426.
 - for what uses, &c. 426.
 - powers of, 427, 428.
 - successors of, powers of, 428.
 - vacancy in, how, &c. supplied, 427.

COMPANIES.

ASSURANCE, GLOBE,

- Act, limitation of, 726.
- Commissioners, appointment of, their duty, 719.
- Corporation,
 - Books, &c. of, to be inspected by whom, 726.
 - Capital stock, amount, &c. 717.
 - called in at one time, 719.
 - deposits, when to be paid in, 717, 718.
 - rights conferred by, 718.
 - invested, &c. by whom, and how, &c. 724.
 - paid when, &c. to be, 717.
 - shares in, annual, when paid in, 718, 719.
 - assignable, &c. how, &c. 725.
 - number, &c. 717.
 - secured, how, 718.

COMPANIES—*Continued.*ASSURANCE, GLOBE—*Continued.*

Corporation,

Dealings by, in what prohibited, exception, 725.

Debts, &c. of, what property liable for, 725.

Directors, accountable for losses, when, 725.

board of, quorum, 721.

chosen, by whom, and how, 720.

number of, 719, 720.

when to be, 719, 720, 722.

duty of, as to commencing operations, 720.

payments, &c. on shares, 720.

rules, &c. for management, &c. 720.

eligible for, who, 721.

powers of, general, 720, 721.

re-election of, what number of, 720.

salary, &c. to, not allowed, 721.

statement, what, to be laid before whom, how, 726, 727.

vacancy in, how supplied, 722.

Dissolution of, effected how, Directors' duty on, 727, 728.

Dividends of profits, &c. made by whom, &c. 723.

what not considered as, 723.

when not to be made, 723.

Insurance by, on what, how effected, 723.

policies of, binding, when, 723.

losses on, how settled, &c. 723.

Lands, &c. held by, what not to exceed, 723.

exception as to mortgages, &c. 723, 724.

Meeting, general, of, called how, &c. 719, 727.

purpose, 719.

holden annually, 720.

Operations of, commenced how, 722.

President, chosen by whom, and when, 720.

compensation to, by whom, &c. 721.

when liable for losses, &c. 725.

Proceedings of, inspection, 727.

Profits of, disposal by whom, and how, 724, 725.

Return of state of affairs of, laid before Legislature, 728.

made by whom, &c. 728.

nature of, 728.

signed, &c. by whom, 728.

sworn, &c. to, by whom, 728.

Secretary of, bond by, given when, nature of, 721.

Stockholders in, voting by, how, &c. 721, 722.

Incorporation of, name and powers, 717.

NEW BRUNSWICK MARINE,

Act, limitation, 714, 716.

Committee, appointed for what, 711.

COMPANIES—*Continued.*

ASSURANCE,

NEW BRUNSWICK MARINE—*Continued.*

Corporation,

Books, &c. of, inspection of, by whom, 710.

Capital stock, amount, 701.

paid in, how, 701.

assignable, how, 709, 710.

deposits of, what, effect, 702.

increase of, by whom, how, 712.

instalments, how paid, 712, 713.

premiums, divided how, 713.

subject to what rules, &c. 713.

invested, by whom and how, 708, 709.

loan of, who not to be made to, 709.

securities for, renewable, how, 714, 715.

shares in, amount called in at one time, how, 703.

number may be held, 701, 702.

paid in, to be, 702, 714.

Dealings by, what restricted to, 709.

Debts of, what property liable for, 710.

Directors of, appointment of officers by, when, &c. 704, 705.

board of, quorum at, 705.

chosen by whom, how and when, 704, 705.

continuance in office, 700.

disqualified to act as, how, &c. time, 706, 709.

duty of, on dissolution of Corporation, 715, 716.

eligible for, who, 706.

liability of, for what losses, 710.

number and powers of, 704, 705.

salary, not entitled to, 704.

vacancy, how supplied, 707.

Dissolution, how, 715, 716.

Dividends, declared by whom, and when, 707, 708.

Insurances by, on what, 707.

policies of, binding, when, 707.

how made, 707.

Lands, &c. held by, to what extent allowed, 708.

mortgages on, exception as to, 708.

Meetings of, general, called how, 703, 704, 715, 716.

Operations of, commencement of, when, 703, 707.

President of, chosen how, 704, 705.

compensation to, 705, 706.

voting at board by, how, 705.

Profits of, disposal, 709.

Secretary of, bonds by, nature of, when to give, 706.

Statement of affairs of, nature of, made how, 710, 711.

return of, made by whom, how, 711, 712.

Incorporation, name, and powers, 701.

COMPANIES—*Continued.*

Boom,

ARESTOOK,

- Act, continuation, 843.
- limitation, 814, 815.
- Royal assent, 815.
- when to cease, 814.

Corporation,

- Authority of, restriction as to lands, &c. 812.
- Booms of, erection of, by, 812.
 - purpose of, 812.
 - proviso as to, 812.
- injury, &c. to, penalty, recovery, 813, 814.
- open for conveyance of timber, determined, how,
 - 813, 814, 842, 843.
- passage ways, &c. guarded, &c. how, 812.
- Lumber, &c. description of, furnished to, by whom, 814.
 - loss of, liability, 813.
 - not claimed, proceedings, 814.
 - rafted, when to be, &c. 813.
- Meeting of, first, called how, &c. 824.
- Tolls, &c. to, amount, 814.
 - lien for, 814.
- Union of, with Fredericton Boom Company, how, &c. 824.
 - effect of, 824.

Incorporation, name, and powers, 812.

FREDERICTON,

- Act, continuation, 842.
 - limitation, 811.
 - rights, reserved by, 823.
- Corporation,
 - Assessments by, levied, when, 810.
 - proceedings, 810, 811.
 - purpose, 810.
 - upon what, 810.
 - Boomage, for what, 808, 809.
 - lien for, when, 809.
 - Booms of, erected, when to be, 807.
 - injury to, wilful, punishment, 841, 842.
 - to be kept open, time, 808.
 - Capital stock of, amount, 807.
 - deposits, paid how, and when, 808.
 - increased, how, extent, 819.
 - shares, disposal, 820.
 - subject to what rules, 820.
 - Disputes relating to timber, &c. how settled, 819.
 - Lands, &c. occupied, &c. by, compensation for, 840.
 - dispute as to, how settled, 840, 841.
 - Liable in private capacities, for what, 811.
 - Loss of timber, &c. what, not liable for, 810.

COMPANIES—*Continued.*

Boom,

FREDERICTON—*Continued.*

Corporation,

Meeting of, first, called how, &c. 807.

purpose, 807, 808.

Navigation River Saint John not interfered with, 808.

Powers of, when to cease, 811.

Timber, &c. compensation for keeping, 820.

driving to Crock's Point, pay for, 821-823.

from Crock's Point, how, &c. 820.

left behind, liability, 823.

lien upon, for what, 822.

time allowed for, 822.

floating joints of, protection, 839, 840.

compensation for, 840.

found below boom, liability, 820.

keeping clear of islands, &c. 822.

passing out of boom, may collect, 821.

compensation for, 821.

picked up by, what required to be, 809.

survey of, conclusive, when, 821.

what, may be driven from G. Falls to Crock's Point, 821.

Incorporation, name, and powers, 807.

HAMMOND RIVER,

Act, continuation and limitation, 850, 851.

Incorporation of, purpose, and restrictions, 825.

NARKAWICKAC,

Corporation,

Assessments by, levied, for what, 855, 856.

Boomage, amount, 854.

Booms, erected by, to be kept open, how, &c. 854.

injuring wilfully, damages, recovery, 855.

rafts running into, compensation, &c. 854.

Capital stock, amount, 853.

deposit, &c. on, allowed as, what, 854.

paid how, &c. 853, 854.

Disputes relating to timber, &c. how settled, 855.

Lands, authorized to enter upon, when, 854.

Liability of, individually, when, for what, 856.

Lien on timber, &c. for what, 855.

Meeting of, first, called how, &c. 853.

Incorporation, name, powers, and purpose, 853.

NASHWAAK,

Act, continuation of, 850.

limitation of, 819.

Corporation,

Boomage, amount, 816, 817, 844.

enforced, how, 843, 844.

COMPANIES—*Continued.*

Boom,

NASHWAAK—*Continued.*

Corporation,

Booms, construction of, how, 816.

open, how long, &c. 816, 844, 849, 850.

rafts running into, compensation, &c. 817.

rafting timber, &c. in, how, 850.

Capital stock, amount, 815.

assessment on shares of, how, &c. 816.

deposits, effect, 816.

increase of, amount, 863, 864.

assessment on shares of, 864.

Disputes relating to timber, &c. how settled, 817.

Liable individually, when, for what, 818.

Lien of, on timber, &c. for what, &c. 817.

Meeting of, first, called how, &c. 816.

Powers of, when null and void, 818, 819.

Restrictions as to entering upon lands, &c. 819.

Incorporation, name, powers, and purpose, 815.

Owners of timber, &c. may raft, &c. below mills, 850.

SAINT STEPHENS MIDDLE,

Corporation,

Booms, constructed, how to be, 852.

Restriction of, as to entering upon lands, &c. 852.

Incorporation, name, powers, and purpose, 851, 852.

SAINT STEPHENS UPPER MILLS,

Act, continuation of, 849, 851.

Corporation,

Booms, main, timber, &c. turned out, how, 848.

boomage for, amount, 848.

refusal to pay, proceedings, 849.

floating into, sold how, &c. 849.

injury to, wilful, penalty, &c. 848.

side, &c. erection of, where, how, &c. 847.

timber, &c. turned out, how, 847.

delay, damage, recovery, 847.

floating into, sold, how, &c. 849.

injury to, wilful, penalty, &c. 848.

Capital stock of, amount, 846.

shares in, number, 846.

Meeting of, first, called how, &c. 846.

Incorporation, name, powers, and purpose, 846.

SOUTH BAY,

Corporation,

Assessments by, on shares, proceedings, and purpose, 832.

Boomage, amount, 836, 837.

increased, amount, 862.

how, and when, 862.

rate of, 835.

COMPANIES—*Continued.*

Boom,

SOUTH BAY—*Continued.*

Corporation,

Booms, inspection of, by Commissioners, when, &c. 834.

compensation for, 835.

timber fastened outside, compensation for, 833.

Capital stock, amount, 829.

deposits, when, &c. 830.

default in, effect, &c. 830.

default in calls, recovery, 835, 836.

action for, evidence, 836.

pleadings, 836.

extension of, amount, how, 860, 861.

increased, amount, how, 839.

shares in, subject to rules, &c. 839.

shares in, number, 829.

Compensation to, for timber, &c. fastened outside piers, 832.

Directors in, appointment of officers by, 831.

compensation to, 831.

chosen, by whom and when, 830, 831.

continuance in office, 830, 831.

disqualified, how, 845.

eligible for, who, 831.

money may be raised by, how, &c. 836.

purpose, 836.

number and powers of, 830.

re-election of, how many, 831.

vacancy in, how supplied, 844, 845.

Incorporation, name, powers, and purpose, 829.

Lien by, on what, 831, 862, 863.

what not to prevent, 831.

Lumber surveyed, account, by whom, &c. to be given, 834.

Meeting, general, called how, &c. 830.

purpose, 830.

Members of, who deemed, 830.

Not liable for what loss, 833.

Penalty for cutting rafts, 837.

recovery and application, 838.

Powers of, as to directing situation, &c. of rafts, 861, 862.

President, chosen, by whom and when, 830, 831.

Removal of timber from booms, proceedings, 838, 863.

recovery and application, 863.

Statement of affairs of, laid before whom, when, 835.

Stockholders, individually liable for what, 832, 833.

not to be officers of Corporation, 831.

Superintendent, not to be Surveyor, when, 831.

Waters, what may enter upon, 833.

condition, 833.

COMPANIES—*Continued.*

BOOM,

SOUTH WEST,

Act, limitation of, 859.

Corporation,

Booms, constructed, how, &c. 857.

injury to, penalty, 858, 859.

floating rafts running into, proceedings, 858.

opened, when, 857.

Capital stock, amount, extended, how, 857.

Lands, authorized to enter on, when, 857.

Lien by, on what, and for what, 857, 858.

Meeting of, first, called how, 857.

Powers of, when null and void, 859.

Shareholders in, default by, liability, 858.

action against, pleadings, 858.

Stockholders, liable in private capacities, when, 859.

Incorporation, name, powers, and purpose, 856, 857.

TOBIQUE,

Act, continuation of, 852.

limitation of, 828.

provisions of what, repealed, 852.

termination of, when, 828.

Corporation,

Roomage, amount, 827, 828.

Booms, erection of, where, &c. 826.

Injury to, wilful, penalty, &c. 827.

Lumber in, when to be taken care of, 828.

Passage ways in, &c. guarded, how, 826.

Timber coming in, how, &c. rafted, 826, 827.

Lands, what not authorized to enter upon, 826.

Incorporation, name, powers, and purpose, 825, 826.

BRIDGE,

COURTNEY BAY,

Act, null and void, when to be, 925.

Corporation,

Bridge, &c. erected by, how, where, &c. 921, 922.

gates, &c. across, erected by, how, 922.

injuring wilfully, felony, 924.

tolls, amount, 922.

collector of, powers of, 922.

collected how, 922, 923.

dispute as to, how settled, 923.

exempt from, what, 924.

Capital stock of, amount, 918.

extension of, when, 918.

shares in, assessment on, when, 920, 921.

assignable, 919.

shareholders of, default, action for, 924.

pleadings, evidence, 924, 925.

COMPANIES—*Continued.*

BRIDGE,

COURTNEY BAY—*Continued.*

Corporation,

Debts of, what property liable for, 920.

Directors, chosen, when, 918, 919.

eligible for, who, 919.

statement by, of what, 924.

Lands taken by, compensation for, proceedings, 923, 924.

Meeting of, called how, and when, 918, 919.

Officers, &c. of, chosen, when, 918, 919.

President, chosen, by whom and when, 918.

Incorporation, name, and powers, 918.

Road, plan of, where to be filed, 925

site of, subject to whose approval, 925.

Stockholders, voting by, how, &c. 919.

NORTH WEST,

Act, null and void, when, 917.

Corporation,

Bridge, erected by, how, when, &c. 912, 913.

gates across, &c. erected, how, 914, 915.

horses, &c. driven over, how, 915.

injury to, wilful, felony, 915.

surrender to Province, when, 917.

tolls, evasion of, fine, 915.

exemptions from, 915, 916.

Bye laws of, made, what, when, and by whom, 911.

Capital stock, amount, 910.

extension, 910.

Debts, &c. of, what property liable for, 911.

Directors, chosen, when, 911.

number and powers. 911.

statement by, of what, when, &c. 916.

Lands, &c. taken by, compensation for, how, 913.

dispute as to, how settled, 913, 914.

Meetings of, called how, and when, 911.

Incorporation, name, and powers, 910.

Shareholders, default in payment by, action, 916.

pleadings, evidence, 916, 917.

SAINT CROIX,

Act, limitation, 897.

renewable, conditions, 897.

Bridge, established where, 896.

horses, &c. driven over, how, 896.

toll of, amount, 896, 897.

collected, how, when gates left open, 897.

in full, for what distance, 897.

payment of, evaded, fine, 897.

Corporation, meeting, called how, 897.

Incorporation, name, and powers, 896.

COMPANIES—*Continued.*

BRIDGE,

SAINT JOHN SUSPENSION,

Act, Royal assent, 909.

when to cease, 905, 909.

Bridge, erection of, how and where, 901, 902.

not to interfere with what, 908.

constructed, of what material to be, 908.

gates, &c. across, erected, how, 903.

intercourse across, prohibited, when, how, 908.

purchased by the Province, how, when, 907.

tolls, amount, 903.

collection of, how, 903.

disputes as to, how settled, 903, 904.

exempt from, what articles, 906.

Corporation,

Capital stock, amount, 898.

extension of, how, 898.

shares in, assessment on, how, 901.

assignable, how, 899, 900.

default in payment, suit, 906, 907.

evidence, pleadings, 907.

Debts of, what property liable for, 900.

Directors, chosen how, when, 899, 900.

eligible for, who, 899.

statement by, of what, when, 906.

Lands, &c. taken by, compensation, 904.

dispute as to, how settled, 904, 905.

Meetings of, called how, 898, 899, 900, 901.

President, chosen, when, 899.

Incorporation, name, and powers, 898.

Stockholders, voting by, how, 899.

Works of, wilful injury to, felony, 905.

FISHING, NORTHUMBERLAND STRAITS,

Act, when to cease, 950, 951.

Corporation,

Bye laws, &c. when to be made, 950.

when in force, 949.

Capital stock, amount, 946.

increased, how, &c. 950.

calls, when to be made, 950.

shares in, assessment on, how, 948, 949.

call for, action, proof, 952.

Debts of, what property liable for, 948.

Directors, chosen, how, when, &c. 947, 949, 950.

number, 952.

Secretary, appointed by, remuneration to, 948.

Treasurer, appointed by, remuneration to, 948.

vacancy in, how supplied, 952.

COMPANIES—*Continued.*FISHING, Northumberland Straits—*Continued.*

Corporation,

Fishery, what may carry on, 950.

Lands, &c. held by, extent, 949.

Meetings of, first, called how, 947.

general, called how, 947.

special, called how, 947, 948.

Members of, votes by, how, &c. number, 948.

Operation of, commencement of, when, 951.

Incorporation, name, and powers, 946.

GAS,

FREDERICTON,

Act, when to cease, 887.

Corporation,

Capital stock, amount, 882.

paid in, when to be, 882.

extension of, how, &c. 883.

assessment for, &c. 883.

shares in, assessment on, liable for, 884.

collection of, 885, 886.

assignable, how, &c. 884.

Debts of, what property liable for, 884, 885.

Directors, chosen, how and when, 883.

eligible for, who, 883.

vacancy in, how supplied, 884.

Justices of York, control, &c. over what acts of, 887.

Meetings of, first, called how, 883, 886.

general, called how, 883, 886, 888.

President, chosen, how and when, 883.

Pipes, &c. laid down, in streets, how, 886.

conditions, 886.

leaders for, provided by, when and how, 887, 888.

expense of, who to pay, 888.

Stock subscription list, left where, 885.

notice of, given, 885.

Stockholders, votes by, number, how given, 883, 884.

amount of subscription by individual, 885.

Incorporation, name, powers, and purpose, 882.

Penalty for throwing, &c. noxious substance into river, 887.

Streets, not repaired by, expense, how recovered, &c. 886, 887.

SAINT ANDREWS,

Act, when to cease, 894, 895.

Corporation,

Capital stock, amount, 890.

paid in, when to be, 890.

extension of, how, &c. 890.

assessment on, how, 890.

proviso as to, 890, 891.

COMPANIES—*Continued.*

GAS,

SAINT JOHN—*Continued.*

Corporation,

Stock subscription list, left where and when, 879.

notice of, how, &c. given, 879.

number of individual shares, 879.

Incorporation, name, powers, and purpose, 876.

Penalty for throwing noxious substance, &c. into harbour, 881.

Streets, &c. not repaired by, expense, how recovered, 880, 881.

GRINDSTONE, SHEDIAC,

Act, when to cease, 958, 960.

Corporation,

Capital stock, amount, 958, 960.

paid in, how, &c. 958.

Debts of, what property liable for, 959.

Directors, chosen, when, 958.

powers of, as to bye laws, &c. 959.

Meeting, annual, called how, 958.

omission, effect, 959.

first, called how, 958.

Officers of, necessary, chosen, how and when, 958.

Shares in, assignable, how, 959.

certificate of, 959.

numbered, how, 959.

Stockholders, votes by, how, &c. number of, 959.

Incorporation, name, powers, and purpose, 957, 958.

HOME FACTORY, WOOLLEN, YORK,

Act, when to cease, 975, 976.

Corporation,

Capital stock, amount, 975.

increased, how, &c. 975.

Incorporation, name, and powers, 975.

HOTEL, SAINT JOHN,

Act, when to cease, 943, 944.

revived, 944.

Corporation,

Directors, appointment of officers, by, 942.

compensation to, 942.

chosen, how, &c. 942.

Meetings, annual, called how, 942.

general, called how, 941, 942.

Members of, votes by, how, number, 942.

Property of, divided, how, &c. 941.

shares in, assessments on, how, &c. 943.

assignable, how, &c. 941.

Incorporation, name, and powers, 941.

COMPANIES—*Continued.*

INSURANCE,

CENTRAL FIRE,

Act, limitation of, 684.

Corporation,

Books, &c. of, inspection of, by whom, 682.

Capital stock, amount, 673.

to be paid in, how, &c. 674.

deposits in, how, &c. 673, 674.

deemed what, 674.

invested, how, &c. 680.

securities taken for, what, &c. 674.

examination of, by whom, 674.

renewable, 685.

shares in, assignable, how, &c. 682.

Dealings by, restrictions as to, 681.

Debts, &c. of, what property liable for, 682.

Directors, appointment of officers by, 675.

chosen, how, when, &c. 675, 676.

omission, remedy, 677, 678.

eligible for, who, 677.

liable, for what losses, 682.

moneys, may be applied by, for what, &c. 681.

not to receive salary, 677.

number of, 676, 687, 688.

powers of, general, 675, 676, 677.

quorum, 677.

re-election of, 676.

receiving instalment by, 675, 676.

statement of affairs by, how, &c. 682, 683.

Dissolution of, declared how, proceedings, 683, 684.

Dividends, half yearly, of what, &c. 679.

amount of, what not to exceed, 680, 681.

Insurances by, amount of, 684.

effected, on what property, 678.

extent, on single, 679.

losses under, how settled, &c. 679.

policies of, binding on whom, 678, 679.

signed, &c. how, 678.

by agents, when, 679.

when may be made, 684.

Lands, held by, what not to exceed, 679.

exception as to mortgages, 679, 680.

Meetings of, general, called how, &c. 675, 676, 683, 688.

Operation of, commencement of, when, 675.

President, chosen, &c. how, 675, 676.

liable for what losses, 682.

Proceedings, &c. of, examination, by whom, 683.

Stockholders, votes by, how, and number of, 677.

Incorporation, name, and powers, 672, 673.

COMPANIES—*Continued.*

INSURANCE,

MUTUAL,

Corporation,

Funds of, invested how, 687.

Meeting of, called, by whom, 687.

how and when, 687.

Members of, who deemed, 687.

Incorporation, name, powers, and purpose, 686.

MUTUAL, KING'S COUNTY,

Corporation,

Funds of, invested how, &c. 689.

Meeting, first, called by whom, how, and when, 689.

Members of, who deemed, 689.

Incorporation, name, powers, and purpose, 688, 689.

SAINT JOHN FIRE,

Act, limitation of, 700.

Corporation,

Books, &c. inspection of, by whom, 698.

Capital stock, amount to be paid in, 690.

deposits of, how, &c. 690, 691.

deemed, what, 691.

default, effect, 691.

invested, how, &c. 696.

securities taken for, what, 691.

renewable, how, &c. 691, 697, 698.

shares in, assignable, how, &c. 696, 697.

number, 690.

paid in, when, &c. 691.

Debts, &c. of, what property liable for, 697.

Directors, appointment of officers, &c. by, 692.

chosen, how, when, &c. 692, 693.

disqualified, how filled up, 694.

eligible for, who, 694.

liable for what losses, 697.

moneys may be applied by, for what, 696.

number and powers of, 692, 693.

quorum, 693, 694.

statement of affairs by, how, &c. 698.

Dissolution of, determined, how, proceedings, 699.

Dividends, declared, how, &c. and when, 695, 696.

Insurances by, effected, on what property, 695.

extent, on single, 695.

losses under, how settled, &c. 695.

policies of, binding on whom, 695.

heading, form of, 692.

made, when may be, 691, 692.

signed, &c. how, 695.

by agents, when, 695.

COMPANIES—*Continued.*

INSURANCE,

SAINT JOHN FIRE—*Continued.*

Corporation,

Lands, &c. held by, what not to exceed, 696.

exception as to mortgages, &c. 696.

Meetings of, called, how, &c. 693.

holden, when and where, 694.

President of, chosen, how, &c. 692, 693.

compensation to, 694.

liable for what losses, 697.

Stockholders, votes by, how, and number, 694.

Incorporation, name, and powers, 690.

MANUFACTURING, ALBERT,

Act, when to cease, 974.

Corporation,

Capital stock, amount, 972.

instalments on, what taken for, &c. 972.

shares in, assignable, how, &c. 973.

certificate of, 973.

deemed, what, 973.

holders of, entitled to vote, how, &c. 972.

number, 972.

Debts, &c. of, what property liable for, 973.

Directors, agent, &c. appointed by, 973.

chosen, how and when, 972, 973.

continuance in office, 972.

dividends declared by, 973.

eligible for, who, 973.

management of affairs by, power, 973.

subject to what, 973.

real estate purchased by, when, 973.

Meeting, annual, called how, &c. 972, 973.

first, called how, &c. 972.

President, chosen, how, &c. 973.

Officers of, appointed by, when and where, 973.

Railroad, damage done to lands by making, compensation, 974.

dispute as to, how settled, &c. 974.

Incorporation, name, powers, and purpose, 971, 972.

MILL AND MANUFACTURING, FREDERICTON,

Act, when to cease, 938, 939.

Corporation,

Capital stock, amount, 938.

increased, when, 938.

paid in, when, 938.

Debts of, what property liable for, 938.

Meeting, first, called how, 938.

Property, what may hold, 938.

Incorporation, name, and powers, 937, 938.

COMPANIES—Continued.**MILLS AND CANAL, SAINT JOHN,**

Act, accepted, &c. as a Public Act, 937.

Incorporation, name, powers, and purpose, 936, 937.

MIDDLE LANDING, SAINT STEPHEN,**Corporation,**

Authority to construct dams, &c. 939.

for what purpose, 939, 940.

Assessment by, notice of, how given, 940.

purpose of, 940.

Lien on timber, &c. by, for what, 940.

Meeting of, first, called how, &c. 939.

Incorporation, name, powers, and purpose, 939.

Owners of mills liable for what debts, &c., proportion, 940.
votes of, number, 940.

MINING,**ALBERT,**

Act, Royal assent, 934.

what rights not interfered with by, 934.

Corporation,

Capital stock, amount, 930.

assessment on, notice of, 931, 932.

default in, proceedings, 932.

who liable for, amount, &c. 931.

increased, how, &c. 931.

Debts of, contracted by, when may be, 933, 934.

what property liable for, 931.

Lands, &c. entered upon by, compensation, 932.

dispute as to, how settled, 932, 933.

deemed to extend to what, 934.

Meeting of, first, called how, &c. 930.

Incorporation, name, powers, and purpose, 930.

ASPHALTE AND KEROSENE GAS,**Corporation,**

Office of, kept, where to be, 935.

purpose of, 935.

Incorporation, name, powers, and purpose, 935.

YORK AND CARLETON,

Act, when to go into operation, 929.

when to cease, 928.

Corporation,

Capital stock, amount, 926.

paid in, when, 926.

assessment on, how, &c. 928.

collected, how, &c. 928.

who liable for, 927.

increased, how, &c. 927.

Debts of, what property liable for, 927.

COMPAN ES—*Continued.*

MINING,

YORK AND CARLETON—*Continued.*

Corporation,

Lease to, cancelled, when, how, &c. 929.

new one given, how, reservation in, of what, 929.

Meeting, first, called how, 926.

Sum of money granted to, for what, 929.

Incorporation, name, powers, and purpose, 926.

PLAISTER and RAIL ROAD, HILLSBOROUGH,

Act, when to cease, 955.

Corporation,

Capital stock, amount, 954.

shares in, assignable, how, 955.

certificate of, 955.

numbered, how, 955.

voting on, how, 954.

Debts of, what property liable for, 955.

Directors, chosen, how, &c. 954, 955.

general powers of, 954, 955.

Lands, damage done to by, compensation, 956.

dispute as to, how settled, 956.

Meetings of, annual, called when, 954.

first, called how, 954.

omission of, what not to affect, 955.

Incorporation, name, powers, and purpose, 953, 954.

RAILWAY,

GRAND FALLS,

Act, action for anything done under, when to be commenced, 743.

pleadings in, 743.

null and void, when, 743, 776.

revived, and what done under, valid, 776.

rights, what not affected by, 777.

Royal assent, 743, 745.

Corporation,

Capital stock, amount, 731.

increased, how, 777.

shares in, calls, action for, evidence, 734, 735.

pleadings in, 734.

when, &c. 734.

enforced, how, 734.

interest on, when, 734.

made by whom, &c. 734.

paid to whom, 733.

certificate of, evidence, 733.

deposits, when, &c. 732.

receipt, discharge, what, 733.

sale of, on default, how, 777.

transferable, when, 733.

trusts in, who not liable or, 733.

COMPANIES—*Continued.*

RAILWAY,

GRAND FALLS—*Continued.*

Corporation,

Debts of, what property liable for, 742, 743.

Directors, chosen, how, when, &c. 739.

continuance in office, 739.

disqualification of, 739.

eligible for, who, 777.

powers of, as to officers, 739.

Dividends, yearly, made when, 742.

deductions, before being, 742.

paid on what shares, 742.

Fences, erection, &c. of, when and where, 737.

neglect, liability, proceedings, 737, 738.

Lands, what may enter upon, purposes, 737.

Meeting, annual, called how and when, 738, 776, 777.

general, called how, 739, 777.

Military forces, conveyance of, by, how, 741.

Minors, &c. money payable to, by, whose receipt good, 742.

Operations of, commenced, when may be, 732, 733.

Powers of, as to entry on lands, 735, 736, 737.

President, chosen, how, 739, 777.

Profits of, deductions before apportioning, 742.

Pursuits, what may engage in, 777.

Railway of, purchased by Province, when, 741.

used by whom, 740.

Schedule. 743, 744, 745.

Shareholder, proof of being, what, 735.

votes by, how, &c. and number, 738.

what to mean, 734.

Statement of affairs of, filed, when, proceedings on, 740, 741.

Tolls, established by, for what, 740.

excessive, reduced how, 740.

reduction, &c. not be made for, when, 742.

varied by, when, condition, 741, 742.

Works of, injury to, wilful, felony, punishment, 743.

Incorporation, name, powers, and purpose, 730, 731.

MAGAGUADAVIC,

Act, actions brought for any thing done under, limitation, 773.

null and void, when, 773, 774.

Corporation,

Capital stock, amount, 755.

shares in, advance beyond call, allowed, 758.

interest upon, 758.

calls on, interval between, 755.

evidence of, 760.

interest on, when, 758.

made, when and how, 757, 758.

notice of, 755, 758.

COMPANIES—*Continued.*

RAILWAY,

MAGAGUADAVIC—*Continued.*

Corporation,

- Capital, shares in, certificate of, delivering, 755.
 - expenditure of moneys raised on, how, 755.
 - action, for recovery of, 758.
 - evidence in, 759.
 - pleadings in, 758.
- forfeited, declared, how and when, 759.
 - confirmation of, 760.
 - notice of, 759.
 - revert to shareholder, when, 761.
 - sale, &c. of, how, 760.
 - surplus. disposal, 761.
 - what number of, 760.
 - interest upon, amount, 756, 757.
- transferable, when, 757.
- trusts in, what Company not liable for, 757.
- payment of, when, to whom, 757.

Debts of, what property liable for, 772.

Directors, appointment of officers, &c. by, 766.

bye laws, &c. altered, &c. by, 766.

binding, when, 766.

chosen, how, &c. 765, 766.

number, qualification, quorum, 765.

vacancy in, how filled up, 766.

Dividends, made by, how, when, 771, 772.

minors, &c. receipts, &c. of, good, when, 772.

paid, on what shares, 772.

Lands of minors, &c. taken by, receipts, &c. when valid, 763.

Meetings of, annual, when, called how, 766.

extraordinary, when, 766.

general, when, 765.

Operations of, when may be commenced, 755, 756.

President, chosen, how, &c. 765.

votes by, at board, how, 765.

Profits divided, deduction before, 772.

Powers of, as to lands, &c. 761, 762, 763, 764.

Railway of, branches, made by, purpose, 756.

fences, when necessary, erection, &c. of, 764.

gates, on crossings of, erection by, 764.

purchased by Province, when, 768.

mails, conveyed on, how, &c. pay, &c. 769, 770.

military forces, conveyed on, how, &c. 770, 771.

Returns by, of what, delivered to whom, 773.

Shareholders in, evidence of title, what, 757.

evidence of being, what, 759.

votes of, number, &c. 765,

COMPANIES—*Continued.*

RAILWAYS,

MAGAGUADAVIC—*Continued.*

Corporation,

Statement of affairs of, made, how, &c. 768.

Tolls altered, how, when, &c. 771.

granted, on what, purpose, 767.

excessive, reduced, how, 767, 768.

Works of, injury to, felony, punishment, 773.

Electrical telegraph, laid down, &c. by whom, 771.

Incorporation, name, powers, and purpose, 753, 754, 755.

Legislature, accounts, what to be submitted to, 773.

right of, to enquire into doings of, 772, 773.

Schedule, 774, 775.

SAINT STEPHEN,

Act, when null and void, 752, 753.

Corporation,

Bye laws, power to make, &c. 747.

Capital stock, amount, 747.

shares in, assessments on, 748.

sale of, when, 748.

Clerk of, appointment, oath, &c. 747.

Directors, chosen, how, &c. 747, 752.

number, quorum, 747.

Lands held by, how, for what, 748.

of infants, &c. agreements, &c. valid, when, 747.

Meeting of, annual, called how, 752.

first, called how, 747.

President, chosen, how, &c. 747.

Rights of, when exercised in State of Maine, 752.

Railroad of, bridges across rivers, &c. allowed, 750.

repaired, by whom, 749, 750.

crossings by, how cared for, 749.

connection with other roads, how, 749.

fences erected along, how, 750.

mails conveyed on, how, 750, 751.

troops conveyed on, how, 750, 751.

tolls for, established, how, 749.

works on, injury to, punishment, 751.

Incorporation, name, powers, and purpose, 745, 746, 747.

Legislature, rights of, as to enquiring, &c. 752.

RIVER DRIVING, LACOOTE,

Act, limitation of, 875.

when to cease, 875.

Corporation,

Capital stock, amount, 871.

shares in, assessment on, proceedings, 874, 875.

assignable, how, &c. 872, 873,

numbered, how, &c. 874.

COMPANIES—*Continued.*RIVER DRIVING, LACOOTE—*Continued.*

Corporation,

Debts of, what property liable for, 873, 874.

Directors, chosen, by whom, &c. 872.

eligible for, who, 872.

omission to choose, remedy, 873.

quorum, 872.

vacancy, how supplied, 872.

Lands entered on by, how, &c. 870.

Meetings of, first, called how, &c. 871, 872.

general, called how, &c. 872.

special, called how, 875.

President, chosen, how, 872.

Stockholders, liable for assessments, 874.

votes by, number, and proxy, 872.

Tolls, regulated and collected, &c. how, 870, 871.

Incorporation, name, powers, and purpose, 870.

SLUICE, SAINT STEPHEN,

Corporation,

Capital stock, amount, 865.

increased, how, 865.

shares in, assessment, proceedings, 867.

assignable, how, 866, 867.

Debts of, what property liable for, 867.

Directors, chosen, how, 866.

omission to be, remedy, 867.

continuance in office, 866

quorum, 866.

Lands entered upon by, how, compensation, 868.

dispute as to, proceedings, 868, 869.

Meeting of, first, 865, 866.

annual, 866.

called how, 867, 868.

Powers of, restrictions as to, 869.

President, chosen, how, 866.

Shareholders, votes, number, 866.

Tolls, established, &c. how, 869.

Incorporation, name, powers, and purpose, 865.

STREAM,

FACTORY, SUNBURY,

Act, when to cease, 970.

Corporation,

Capital stock, amount, &c. 967, 968.

paid in, how, 967, 968.

increased, how and when, 968.

shares in, assessment on, how, &c. 969, 970.

assignable, how, &c. 969.

numbered, 969.

COMPANIES—*Continued.*

STEAM,

FACTORY, SUNBURY—*Continued.*

Corporation,

Debts, &c. of, what property liable for, 969.

Directors, chosen, how, &c. 968.

eligible for, who, 968, 969.

quorum, 968.

Meeting, first, called how, &c. 968.

general, called how, &c. 968.

special, called how, &c. 970.

President, chosen, how, &c. 968.

Shareholders, votes by, how, 969.

Incorporation, name, powers, and purpose, 967.

FERRY BOAT, NASHWAAKSIS AND FREDERICTON,

Act, limitation of, 964.

when to cease, 964.

Corporation,

Capital stock, amount, 962.

shares in, assessment on, 963.

Debts, &c. of, what property liable for, 963.

Directors, chosen, how, 963.

powers of, 963.

Meeting, general, called how, 963.

Shareholders, liable for assessments, 963, 964.

Incorporation, name, powers, and purpose, 962.

FERRY BOAT, SAINT ANDREWS,

Corporation,

Capital stock, amount, 961.

increased, how, 961.

shares in, payable how, 961.

Meetings, called how, 961

held, when and where, 961.

Powers of, as to bye laws, 961.

Incorporation, name, powers, and purpose, 961.

NAVIGATION, SAINT JOHN AND WESTMORLAND,

Act, when to cease, 966.

Corporation,

Bye laws, made by, what to regulate, 966.

Capital stock, amount, 964, 965.

increased, how, 966.

shares in, assessments on, 965, 966.

Debts, &c. of, what property liable for, 966.

Meeting, first, called how, 965.

Members of, who, votes by, how, 965.

Shareholders, liable for assessments, 965.

Incorporation, name, powers, and purpose, 964.

COMPANIES—*Continued.*

TELEGRAPH,

BRITISH NORTH AMERICAN,

Corporation, debts of, what property liable for, 802.
tolls, &c. recovery, &c. of, 801.

Incorporation, name, powers, and purpose, 798.

Lines of, established, how, 798.

preference in working, who to have, 801.

private lands, entered upon for, 799.

compensation for, allowed, 799.

disagreement as to, proceedings, 799,
800, 801.

award, &c. on, effect, 801, 802.

streets, &c. entered upon for, conditions, 798, 799.

Works, &c. of, injury to, wilful, crime, punishment, 802, 803.

FREDERICTON AND SAINT JOHN,

Corporation,

Capital stock, amount, 785.

increased, how, 785, 797.

shares in, number, 786.

Debts of, what property liable for, proceedings, 789, 790.

Directors, chosen, when, 789.

Tolls demandable by, 789.

Incorporation, name, powers, and purpose, 785.

Lines of, established, how, 786.

from Fredericton to Woodstock, 786.

preference in working, who to have, 789.

private lands, entered upon for, 787.

compensation for allowed, 787.

disagreement as to, proceedings, 787, 788.

award, &c. on, effect, 788, 789.

streets, entered upon, conditions, 786, 787.

Sections of what Acts applicable to, 796, 797.

Stockholders, meeting of, called, how, when, 789.

done at, what, 789.

MIRAMICHI AND RICHIBUCTO,

Corporation,

Capital stock, amount, 791, 804.

purpose, 791.

Debts of, what property liable for, 795.

Directors, chosen, how, 795.

number, powers, and residence, 795, 804.

Meetings of, called, how and where, 794, 795, 804.

President, chosen, how, 795, 804.

Incorporation, name, powers, and purpose, 790, 791, 803, 804.

Lines of, branch, authority, &c. for, 791, 804.

established by, authority, 791, 804.

preference in working, to whom, 794.

COMPANIES—*Continued.*

TELEGRAPH,

MIRAMICHI AND RICHIBUCTO—*Continued.*

Private property, authority to enter upon, condition, 792, 793, 794.

Public roads, entering upon, authority, &c. restriction, 791, 792.

Tolls, authority to establish, how, 794.

Works, injury to, penalty, 796.

obstruction to, penalty, 795.

NEW BRUNSWICK ELECTRIC,

Corporation,

Capital stock, amount, 778, 779.

assessment on shares, 805.

refusal to pay, Treasurer's duty, 805.

action for, authority, 806.

evidence in, 806.

pleadings in, 806.

management of, how, 805.

reduction of, when, 805.

subscription book, opened, how, 782.

Debts of, what property liable for, 783.

Directors, chosen, how, 782, 783.

evidence of, 783.

Meetings of, called how, when, &c. 782.

President, chosen, how, 782.

Incorporation, name, powers, and purpose, 778.

Lines of, branches, &c. authority to establish, 779.

preference in working, to whom, 784, 785.

Private property, authority to enter upon, &c. 780.

conditions, 780, 781.

Public roads, authority to enter upon, &c. conditions, 779, 780.

Tolls, authority to establish, 782.

Works of, injury to, wilful, penalty, 784.

obstructing, penalty, 783.

recovery and application, 783, 784.

TIMBER BENDING, BRITISH AMERICAN,

Act, when to cease, 980.

Corporation,

Capital stock, amount, &c. 977.

shares in, assignable, how, 978.

calls on, made, how, 979.

default, sale of, how, 979.

action for, authority, 979.

evidence in, 979, 980.

pleadings in, 979.

Debts of, what property liable for, 979.

Directors, chosen, how, &c. 978.

eligible for, who, 978.

omission to choose, remedy, 978, 979.

COMPANIES—*Continued.*TIMBER BENDING, BRITISH AMERICAN—*Continued.*

Corporation,

Meetings of, called how, &c. 977, 978, 979, 980.

first, bye laws made at, 978.

general, what to be done at, 978.

President, chosen, how, 978.

Shareholders, votes by, number, &c. 978.

Incorporation, name, powers, and purpose, 977.

WATER,

MILL TOWN AQUEDUCT,

Incorporation, name, powers, and purpose, 664.

PETITCODIAC,

Act, when to cease, 671.

Corporation,

Capital stock, amount, paid in, when, 665.

increased, how, 665.

shares in, assignable, how, &c. 667, 668.

Directors, appointment of officers, &c. by, 666.

compensation to, 666.

from what fund paid, 666.

chosen, when, &c. 665, 666.

eligible for, who, 666.

number to be chosen, 665, 666.

not allowed salary, 666.

powers of, 665.

quorum, 666.

vacancy in, how supplied, 667.

Dividends, when to be made, 668.

Meetings, annual, called how, 665, 666.

first, called how, 665.

Members of, number of shares may hold, 667.

President, casting vote by, when, 666.

chosen, how, &c. 666.

Powers of, as to erecting reservoirs, &c. 668.

when upon private property, compensation, 668.

disagreement as to, proceedings, 668, 669.

laying down pipes in streets, &c. 669.

conditions, 669.

failure of, remedy, 669, 670.

Vents, &c. for supplying water, to be opened by, how, 670.

assessment for, by whom to be made, when, &c. 670.

collector's duty on, 670, 671.

default on payment, remedy, 671.

action for, commencement of, when, 671.

evidence in, 671.

pleadings in, 671.

venue in, laid where, 671.

Incorporation, name, powers, and purpose, 665.

Stockholders, votes by, number, proxy, 666, 667.

COMPANIES—*Continued.*WATER—*Continued.*

SAINT JOHN,

Act, powers of, when to be exercised by Mayor, &c. 651.

what, declared to be in force, exception, 652.

Bonds of, when and how cancelled, 659, 660.

Corporation,

Capital stock, amount, 645.

increased, division of, 662.

shares in, application of, 656, 657.

default in paying, proceedings,
656, 662.

disposal of, how, 656, 662.

per centage on, 660, 662, 663.

sold, when may be, 663.

payment of what, deemed good, 653.

time for, 645, 652.

shares in, assignable how, 648.

forfeited, when, 654.

sale of, 654.

Dealings by, what prohibited, 645.

Directors, appointment of officers, &c. by, 646.

compensation to, 646.

chosen, when, 645, 646.

eligible for, who, 647.

not allowed salary, 647.

number of, 645.

quorum at board of, 546.

re-election of, what number, 646.

vacancy in, how supplied, 648.

Dividends made, when, how, 648.

Meeting of, annual, holden, when, 646.

Number of shares may be held by, 647.

President chosen, 645, 546.

Proceedings of, what adjudged legal, 653, 654.

Powers of, as to erecting reservoirs, 648.

on private property, how, 649.

compensation for, 649.

dispute, how settled, 649, 650.

entering on private property, for what, 657.

compensation for, 667.

disagreement as to, how settled, 657, 658.

restrictions as to, 657.

laying down pipes in streets, 650.

conditions, failure of, remedy, 650, 651.

Tanks, &c. to be erected for the use of the poor, 660.

Vents, &c. to be made by, when, for what, 651.

Incorporation, name, powers, and purpose, 644, 645.

COMPANIES—*Continued.*

WATER,

SAINT JOHN—*Continued.*

Shareholders, meeting called, on increase of stock, 658.

election of Directors at, how, 658.

continuance in office

of, 658, 659.

votes by, number, proxy, 647.

Stockholders, meeting of, first, when, 645.

for what purpose, 645, 646.

general, called how, 654.

what to be done at, 655.

COUNTIES,

ALBERT,

Great Marsh, public road across, laid out, by whom, 313.

gate, erection of, 313.

West River, turning of, into Roshea Bay,

Commissioners for, appointment, 314.

duty of, 314.

Canal, available for what, 314.

rules for, who to make, 314.

enforcement of, by whom, 314.

Superintendents, appointment of, 314.

CARLETON,

Lock-up House at Creek, Woodstock, imprisonment in, 311.

time of, 312.

keeper, appointment of, by whom, 312.

Streets and Highways in Woodstock,

Act for, continuation of, 308, 310, 311.

provisions of what, repealed, 310.

sections of what, operations suspended, 307, 308.

sums assessed under, application of, 306.

terms in, construction of, 307.

Amount for repairing, &c. determined, how, 299.

who liable for, 299.

assessments for, upon whom, 299, 330.

Collectors, appointment, duty, 302, 303.

exempted from, who, 303.

fund raised by, name, 300.

persons aggrieved by, relief, 302.

precept for, collection of, 301.

remission of, how, 303.

what shall not exempt from, 303.

Commissioners of, books vested in, what, 304.

contracts, &c. by, binding on whom, 304.

displaced, for what may be, 306, 307.

duty of, as to streets in winter, 304.

lists by, made how, &c. 300, 301.

added to, 301.

COUNTIES—*Continued.*

CARLETON,

Streets and Highways in Woodstock—*Continued.*

- Commissioners of, moneys in hand, disposal, 306.
 - notice of assessment to, how, 300.
 - re-appointment of, 306.
 - remuneration to, 308.
 - road lists, &c. when, &c. to file, 306.
 - sale of town plat, by, proceedings, 304.
 - statements, furnished to, by whom, 301, 302.
 - duty of, when, 302.
- Contracts for repairing, &c. how to be made, 307.
- Penalty for hauling houses, logs, &c. on, 305.
 - placing timber, &c. on, recovery, 305, 306.
- Road tax, collector of, account of receipts, delivered to whom, 309.
 - verified, how, 309.
 - making default, penalty, 310.
 - false declaration by, perjury, 310.
 - remuneration to, 309.
- Side walks on, improvement of, by whom, 309.
 - expenses of, how defrayed, 309.
 - regulations, &c. by whom to be made, 305.
 - how enforced, 305.
- Supervisors of Great Roads, powers not affected, 308.

CHARLOTTE,

Campo Bello,

- Roads, &c. Act for, continuation of, 279.
 - Commissioners, appointment and duty, 279.
 - Statute labour on, commutation, 279.
 - assessment, &c. collection, 272.
- Herring Fisheries in,
 - Seines, &c. what rivers not to be set across mouth of, 283.
 - distance may be set, 283.
 - penalty for offending, recovery and application, 283.
 - Penalties, and recovery, 284.
 - Wardens, duties and powers of, 284.
 - Wiers, when to have gates, penalty for neglect, 283.
 - Lands in, what, Justices may lease, 269, 270.
 - for what term, 270.
 - proceeds of, application, 270.

Lock-up House, Grand Manan,

- Assessment for erection of, upon whom, 272.
 - collection of, 273.

Contracts, &c. for, by whom made, 272.

Inprisonment in, of whom, time, 272, 273.

River Saint Croix,

- Navigation of, Act come into operation, when, 282.
 - continuation of, 282.
- Slabs, &c. thrown into, fines, recovery and application, 282.
 - who liable for, 282.

COUNTIES—*Continued.*CHARLOTTE—*Continued.*

Saint Andrews,

Poor House in,

Commissioners of, accounts of, laid before whom, 271.

by whom audited, 271.

nature of, 271.

appointment, &c. of, 270.

duties of, general, 271.

oath of, 270.

powers of, general, 271.

purpose, 270.

subject to what penalty, 270.

House of Correction in, established, by whom, 217.

Labour in, profits, account and application, 272.

Poor in, assessment for, collection, 271.

Streets and Bridges in,

Act for, continuation of, 278.

Statute labour on, commutation, 278.

assessment, application, &c. 278.

Saint Stephen,

Lock-up House in, assessment for, &c. collection, 281.

contract, &c. for, by whom, 280, 281.

imprisonment in, time, 281.

Market Wharf in, rules for vessels, &c. lading, &c. at, made, 276.

enforcement of, 277.

general, 276, 277.

wharfinger for, appointment, 277.

duties, 277, 278.

oath, 277.

subject to what penalties, 277.

Milltown highway district, Act for continuation of, 285.

statute labour in, commutation, 285.

assessment for, 285.

collection and application, 285.

Public Landing, Saltwater,

Justices authorized to lease, term, 273, 274.

Market House on, erection of, 274.

Proceeds of, application, 274.

Wharf at, erection of, assessment for, 275.

collection of, 275, 276.

Statute labour, in what district, commutation, 274, 275, 280.

assessment for, and collection, 275.

GLOUCESTER,

Act to prevent spread of disorder in, and in Northumberland, 330.

continuation of, 334.

limitation of, 334.

prosecutions for any thing done under, pleadings, &c. 333.

when to come into operation, 334.

COUNTIES—*Continued.*GLOUCESTER—*Continued.*

Board of Health,

Appointment of, by whom, 330.

Authority of, in what Counties, &c. 330.

over persons suspected of disease, 331.

to add, &c. to their number, 330.

Continuance in office, 334.

Obstructing, in discharge of duty, penalty, 332, 333.

application, &c. 332, 333.

Power to demand assistance, when, 332.

Lazaretto,

Bye laws for, established, &c. by whom, 331.

penalties in, extent, 331.

application, &c. 331.

submitted for whose consent, 331.

Erection of, by whom, how, &c. 330, 331.

Persons having disease, removal to, how, &c. 333.

Marine Hospital, Bathurst,

Erection of, paid from what funds, 335.

for what purpose, 335.

KENT, Richibucto,

Streets, &c. in, statute labour of, commutation, 316.

collection, &c. of, 316.

KING'S, Kingston,

Lands in, Act relating to, deemed public, 288.

what rights not affected by, 288.

exchange of, by whom, when, for what trust, 286, 287.

Sessions empowered to give deeds of, 287.

public square reserved in, 288.

what deemed nuisances, 288.

NORTHUMBERLAND,

Chatham,

Firemen in, exempt from what service, 329.

Lock-up House in, erection of, assessment for, &c. 320, 321.

imprisoned in, who may be, &c. 321.

keeper of, salary, amount, &c. how paid, 321.

rules, &c. for, by whom made, 321.

seamen, when may be imprisoned in, 321.

for how long, 322.

Streets, &c. in, Commissioners, acts of, legalized, 328.

appointed, for what, 322.

duty as to laying out, 324.

return by, to whom, 323.

nature of, 323.

record of, 323.

streets laid out by, when valid, 323.

landings, how defined, 324.

slips, &c. when deemed part of highway, 323, 324.

COUNTIES—*Continued.*NORTHUMBERLAND—*Continued.*

Newcastle,

Alms House, benefit of, how adjoining Counties may receive, 319.

Commissioners for, accounts of, 318.

appointment, 317, 318.

assessments, by, 319.

duty of, 318.

powers of, 318.

erection of, how, 317.

expense, by whom and how paid, 317.

extent, 317.

profits of work at, application, 319.

what house may be used as, for what time, 319.

Fairs in, Act relating to, when may be amended, 325.

held, when and where, 325.

keeper, &c. of, appointment, by whom, 325.

duties, &c. of, 325, 326.

fees to, assessment for, how, 326.

regulated, &c. by whom, 326.

Grammar School in, lands vested in Justices for use of, 327.

Miramichi Harbour, Buoys and Beacons in, increased duty for, 328.

QUEEN'S,

Canal, Grimaross Neck,

Authority to dig, &c. to whom, and when, 289.

Commissioners for, appointment of, 292.

powers of, 289, 290, 292.

Deemed public property, 291.

Free from tolls, 291.

Lands taken for, compensation, how, 290.

Maliciously injuring, felony, 291.

Gagetown,

Commissioners of Highways in, provisions of what Act extend to,
291.

SAINT JOHN, (CITY)

Bail in, Commissioners for taking, appointed by whom, 141.

Burial Ground in,

Corpses buried in, removal of, when, 120, 121.

Erections in, what, deemed nuisances, 121.

exceptions, 121, 122.

Grant of, to Mayor, &c. void, 121.

Not liable to be seized for debts of, 121.

Palings, &c. in, when may be removed, &c. 121.

Paupers, where to be buried, 122.

Unlawful to inter, &c. in, when, 120.

penalty for, 120.

application, 120.

proviso as to, 120.

COUNTIES—*Continued.*SAINT JOHN, (CITY)—*Continued.*

Charter of,

- Amendment of, Acts repealed, 130, 186, 187.
 - reservation clauses, 130.
 - what not to affect, 194.

- Assessments for repairing streets in, accounts how kept, 193, 196.
 - amount, 192, 193, 195, 196.
 - collection, 193.
 - determined by whom, 192.
 - expenditure of, 196.
 - purpose of, 193.
 - what estate liable for, 196.

- Assessors appointed by, and liability of, 142, 143.
 - regulations for, made, &c. 143.
 - what records may search, &c. 143, 144.

Registrar's pay for, 143.

- City Court, assessment of damages by, when, 137.
 - attachment in, when not necessary, 137.
 - holden, how often, 137.

- Collectors of assessments, appointment and liability of, 142, 143.
 - regulations for, made, 143.

- Coloured Persons to be admitted Free Citizens, 136.

Common Council,

- Accounts of, how published, and what to contain, 72.
- Bye laws of, offences against, who to hear, 138.
 - who to detect, 139.
- finer imposed, recovery, 138, 139.
 - paid to whom, and for what, 139.
- prima facie evidence of, what, 139.
- transmitted, to whom, 194, 195.
- when valid, 195.

- Chamberlain, displaced by, for what, 71.
 - salary determined by, 72.

- Commissioners of streets, appointed by, 193.
 - duty of, as to lists, 193, 194.
 - information to, by whom, 194.
 - penalty for refusal, 194.

- Common Clerk, as Clerk of Peace, what power, 136.
 - duty, as to Rolls, 136.
 - salary, determined by, 117.

- High Constable, appointed by, when, 136.

- Mayor, fees to be paid over by, how, 72.
 - salary of, determined by, 72.

- Members of, may be expelled by, for what, 71.
 - duty of Mayor thereon, 71.

- Quorum of, 186.

- Regulation by, as to elections, 137.
 - qualification of Aldermen, 137.
 - what deemed perjury, 137.

COUNTIES—*Continued.*SAINT JOHN, (CITY)—*Continued.*

Charter of,

Election of Mayor, Aldermen, Councillors, and Constables,
Aldermen, elected when, 187.

moneys not to be received by, for what, 189.

number for each Ward, 187.

powers, &c. of, 187.

qualification of, 188, 198.

sworn in, &c. when to be, 192.

vacancy in, how supplied, 192.

what to disqualify, 189.

Constables, elected when to be, 187.

number for each Ward, 187.

powers of, 187.

remunerated, how, 198.

to attend at, and duty, 190.

vacancy in, how supplied, 192.

Councillors, elected when to be, 187.

moneys not to be received by, for what, 189.

number for each Ward, 187.

powers of, 187.

vacancy in, how supplied, 192.

what to disqualify, 189.

Mayor, continuance in office, 192.

elected, when to be, 187.

moneys not to be received by, for what, 189.

qualification of, 188, 189.

sworn in, when, &c. to be, 192.

vacancy in, how supplied, 192.

voters at, for, duty of Clerk as to lists, 188.

object of, 188.

qualification of, 188.

what to disqualify, 189.

Ballots counted, how and when, 191.

rejected, when, 191.

Bye laws to regulate, declared valid, 144.

made by whom, 194.

Candidates at, names of, posted up, where to be, 199.

nominated, how to be, 190.

Commissioners holding, &c. duty as to ballots, 191.

as to receiving votes, 190.

on final close of poll, 191.

oath of, 190.

powers of, at, 192.

Conducted how, 189.

Electors at, when to vote, 189.

False swearing at, perjury, 192.

Persons chosen at, refusing to serve, penalty, 192.

COUNTIES—*Continued.*SAINT JOHN (CITY)—*Continued.*

Charter of,

- Election of Mayor, Aldermen, Councillors, and Constables,
 - Poll, when to be opened and closed, 191.
 - Poll Books, names of voters to be entered in, 191.
 - Poll Clerks, appointed, by whom, 190.
 - duty of, when voter sworn, 192.
 - Time of holding, notice of, how given, 190.
 - Voter at, how to deliver his ballot, 190.
 - oath of, when, 198.
 - statement at, voting by, what to make, 198.
 - what to shew Commissioner before voting, 199.
 - penalty for refusing, 190.
 - Votes at, how to be given, 190.
 - if equal in number, effect, 191.
 - Voting at, when not entitled, &c. penalty, 191, 192.
 - Licences to Aliens, granted by whom, for what, 70, 71.
 - amount to be paid for, 71.
 - subject to rates, 71.
 - British subjects, granted, 70.
 - amount to be paid for, 70.
 - subject to rates, 70.
- Police Force, appointment, 131.
 - disfranchised, how, forfeiture, 135.
 - number, 131.
 - powers of, general and special, 131.
 - wages, paid by whom and how, 136.
- Office, Clerk of, appointment, 131.
 - disfranchised, how, forfeiture, 135.
 - salary of, determined by whom, 131, 136.
- Erected, when to be, 114.
- Expenses, from what fund paid, 133.
 - provided for, how, 133.
 - refusal by Council to assess, remedy, 133, 134.
- Fees, who restricted from taking, exception, 135.
 - punishment, 136.
- Magistrate, appointment, 130.
 - disfranchised, how, forfeiture, 135.
 - finer received by, how paid, 177, 178.
 - ex-officio powers of, 130.
 - holidays, entitled to, what, 133.
 - oaths of, 130, 131.
 - power of, sitting alone, 141, 142.
 - over what offences, 138.
 - evidence, proceedings, 138, 139.
 - salary, determined by whom, 131, 136.
 - sums received by, to whom paid, 134.

COUNTIES—*Continued.*

SAINT JOHN (CITY)—*Continued.*

Charter of,

Police Office, Magistrate to appoint policeman for Mayor's office,
142.

to enforce rates, 132, 133.

what not to disqualify, 134, 435.

Portland Police Act, what Sections of, applicable to,
131, 132.

how observed, 132.

Sitting Magistrate, appointment, 134.

duty and pay, 134.

Witnesses in cases, who not incompetent, 134.

Powers of Mayor, &c. restricted, as to what roads, 18.

Registry of voters, establishment of, how, 136, 137.

Royal approbation, 138.

Valid, exceptions, 138.

City Court in,

Act when to commence, 157.

Attachment, against whom not to issue, 150, 151.

bail under, how taken, 151.

not given, effect, 151.

force of, 151.

imprisonment under, time, 151.

if under execution, computation, 151.

liability of gaoler, 151.

issued, by whom to be, and when, 150, 151.

Causes in, adjourned, when and for what, 154.

day of sitting for hearing, &c. and adjournment, 150.

heard, &c. when, 154.

Debtors confined under process of, relief as to, 139, 140.

Defendant, bail for, when liable for debts, 152.

discharged from, how, 152.

render of, how effected, 152.

Execution, date of, issued when, 155.

alias, &c. when, 155.

how to be executed, 155, 156.

return of, 155.

Fees, 156, 157.

Judgment by default, given how, 154.

Jury summoned, how and when, 154, 155.

trial by, 154, 155.

Jurisdiction of, as to bail, extended, 156.

Particulars of demand, copies of, when filed, 153.

annexed to what, 153.

copy to opposite party, by whom, 153.

parties at trial confined to, 153.

Parties to suit may conduct same, how, 153.

Powers of, as to determining causes, when no jury, 154.

COUNTIES—*Continued.*SAINT JOHN, (CITY)—*Continued.*

City Court in,

Processes may be renewed, when, 152, 153.

Set off, copy to opposite party, by whom, &c. 153.
delivered to whom, 153.

filed with whom, 153.

Subpœnas, jurisdiction of, service of, 154.

Summons, form of, 156.

issued by whom, 150.

nature of, return of, 150.

Constables in, additional, appointed by whom, &c. 7, 8, 37.

liabilities of, oath of, 8.

powers of, &c. 8, 37.

neglect of duty by, fine, punishment, 8, 37, 38.

not elected in Ward, appointed how, &c. 6.
qualification of, 7.

refusing to act when appointed, fine, 7.

special, appointed by whom, &c. 38.
oath of, 38, 39.

penalty for assaulting, when, 39.

recovery and application, 39.

powers of, &c. 39.

removal of, by whom, 39.

sworn in, when to be, 6, 7.

vacancy in, how supplied, 6.

Corporation,

Act for, deemed public, 3, 4.

Bye laws of, when valid, 194, 195.

Letters patent, what deemed good, 3.

Lots to be numbered by, 196.

Privileges, &c. confirmed, 3.

Rights, &c. what granted, 3.

Streets, names to be affixed to, by, 196.

penalty for removing, &c. 196, 197.

Country Market, Deputy Clerk of, vested with what powers, 141.

lands for, purchased by, whom to be, 126, 127.

mortgages for, what not to bind, 127.

not liable for what debts, 127.

Courts for the trial of causes to the value of forty shillings, 1.

Cause in, when to be decided by the Judge, 2.

Defect of entries, &c. in, not to affect judgment, 2.

Holden, where to be, 2.

Imprisonment, length of, by whom determined, 2.

Judgment given in, final, 2.

Juries summoned, how many, and when, 2.

Debt, Public of, amount chargeable on east side, 181.

west side, 181, 182.

application of revenues on east side, 183.

COUNTIES—*Continued.*SAINT JOHN, (CITY)—*Continued.*

Debt, Public of, bonds for, new, may issue for, how, 201.

legal effect of, on estate of, 201.

what to declare, 201.

old, how disposed of, 202.

Chamberlain to keep separate accounts, &c. 182.

citizens of Carleton, what rights reserved to, 79.

costs to complainants in suit, paid from what

fund, 183.

inhabitants of west side, exempt from what

assessments, 184.

interest on, assessed for, how, and when, 78, 79.

yearly amount, 79.

lands on west side, boundary of, 182.

survey, and filing, 182, 183.

what may be used by Corpo-

ration, 183.

loan to pay, what portion of, how, 201, 202.

Mayor, restriction as to public liabilities, 79.

new debts, &c. declared null and void, 79.

not to be increased, 201.

paid, revenues how to be applied, 183.

rights of Mayor, to bring actions as such, 183, 184.

trust deed of, not to bar, 184.

Dockage, Wharfage, and Cranage, for City, and Portland,

Act, continuance of, 70.

what not to extend to, proviso, 65, 66.

Commissioners of, appointed by whom, 69.

duty of, 69.

fees of, paid, by whom to be, 69.

number of, 69.

Persons entitled to, may proceed by bailable capias, 69.

Rates of, in, 66, 67.

Rate of, when ship, &c. made fast to another ship, 68.

recovery of, from Master, 68.

when not liable, 68.

recovered before whom, 68, 69.

Removal of vessels from wharf, how and when, 67.

refusal of Masters to, penalty, 67, 68.

recovery, &c. 68.

Rights of Mayor, &c. not to be infringed upon, 69, 70.

Dog Tax in, amount, 180.

imposed, by whom, and how, 180.

penalty for violating bye laws, extent, 180.

repeal of, what Act, 180.

Freemen of, new register of, how to be made, 73.

force and effect of, 73.

COUNTIES—*Continued.*SAINT JOHN, (CITY)—*Continued.*

Fires in,

Fire Department,

Act relating to, continuation of, 149.

Conveying gun powder, &c., how regulated, 148, 149.
live coals, 148.

Engineers in, privileges of, 145, 146.

Establishment of, by whom, and how, 145.

Fire-buckets, &c. how regulated, 149.

Fire-places, &c. removal, &c. how accomplished, 148.

Firemen in, privileges of, 145, 146.

Fire-Police, additional powers of, 179.

duty of, at fires, 147.

obstructing, &c. penalty and recovery, 179, 180.

Graving ships, &c. how regulated, 148.

Goods, &c. stolen at, when prima facie evidence of larceny,
147, 148.

Government of, bye laws, made by whom, 146, 147.

Inhabitants of City, attendance at, compelled how, 148.

Livery stables, &c. lights in, how regulated, 149.

Officers of, entering dwelling houses, purpose, 149.

Peace officers, duty of, when alarm of fire, 148.

Penalties, 149.

Privileges of members of, 197.

Property of, malicious injury to, felony, 180.

Pulling down, &c. buildings, authorized, by whom, 148.

Smoke houses, &c. construction of, how directed, 148.

Sweeping chimneys, how regulated, 148.

Fire District, extent, 45, 125, 126.

Buildings in, constructed, how to be, 45, 46.

exceptions, 46.

deemed common nuisances, what, 48, 126.

height of, and of posts, 46.

materials for, description, 45.

partition wall, thickness of, 46.

party wall, expense of, recovery, 47.

on what ground to be built, 47.

on what first builder may enter, 47.

upon what, roof may be flat, 46.

in what proportions, 46, 47, 126.

what, not to be raised, &c. 47, 126.

penalty for violation, 47, 48, 126.

application, &c. 47, 126.

Streets in, what deemed to be meant by, 48, 126.

Fish Market,

House for, built, by whom may be, 62.

regulations for, by whom to be made, 62, 63.

restrictions as to filling up slip, 175, 176.

COUNTIES—*Continued.*SAINT JOHN, (CITY)—*Continued.*

Harbour of, Slip at Reed's Point, erection of, 164, 203.

Britain Street, extended, where may be, 167, 203.

remuneration to owners, 168.

amount assessed, how paid, 168, 169.

disagreement as to, remedy, 168.

Bye laws to prevent throwing rubbish, &c. in, who to make, 9, 10.

Money may be borrowed, by whom, for what, 165.

amount, 165, 166, 203.

debentures for, 166, 204.

assessments for, and disposal, 205, 206.

called in, how to be, 167, 205.

interest on, deficiency, how met, 169.

negotiable, how, 166, 204.

when paid, application of rents, 167.

Moneys loaned, by whom, and how disposed of, 167, 203.

Wharves, &c., rents, &c. of, accounts of, how to be kept, 166, 167.

application, 167.

paid, to whom, 166.

What lands, &c. to be exempt from taxes, 167.

vested in Corporation, 164, 165.

Infectious Distempers,

Vessels, &c. cleansed, how, 32.

colours of, hoisted, by whom, when and where, 26, 27.

how long to be kept, 27.

penalty for disobedience, 27.

constables appointed, for what, and powers of, 33.

intercourse between persons on shore and on board

of, prevented, how long, exception, 25, 26.

Master, &c. of, apprehended, may be, when, 34.

landing persons, disease on board,

penalty, 27.

liable for bringing within inner line, 26.

permitted by whom, 26.

penalty for departing from place ap-

pointed, 33, 34.

having intercourse with

shore, &c. 33.

penalties and inflictions, applicable to what, 36, 37.

recovered, how, 34, 35.

persons boarding, having signal, penalty, 30, 31.

how may be disposed of, 31.

liable for disobedience, what, penalty, 36,

on board, landed at Partridge Isl'd, when, 39.

how long to remain at, 32.

departing from place conveyed to, penalty, 32.

pestilential disease, &c. breaking out, removal, 34.

COUNTIES—*Continued.*SAINT JOHN, (CITY)—*Continued.*

Infectious Distempers,

- Vessels, &c. Physicians, appointed by whom, and when, 25, 29.
 - duty of, 25, 29, 30.
 - neglect of, 30.
 - fees of, and recovery, 30.
 - person refusing to give true statement to,
 - penalty, 30.
 - powers of, 25, 29, 30.

Pilots, branch, instructions to be furnished to, 27.

- nature of, 27, 28.
- read by, to whom, 28.
- penalty for neglect, 28, 29.
 - if a Pilot, 29.
- put on shore in violation of,
 - remedy, 29.
- proceeding up harbour, how far, 24, 25.
 - prohibited, when, 24.
- quarantine by, performance of, when, 25.
 - discharge from, how, 25.
 - liberated from, how, 32.

King's Ward, division of into two Wards, boundaries, 185, 195.

election of Aldermen, &c. when, 185.

qualification, &c. 185.

term of office, by officers of Wellington Ward, 185, 186.

Lamplighters in, employed by whom, 106.

payment of, how, 106.

assessment for, 106.

Larceny, property stolen, value forty shillings, tried by whom, 142.

punishment, 142.

Master of the Steam Ferry Boats, powers of, as policeman, 141.

Nightly Watch, and Day Police,

Act, continuation of, 116.

repeal of what, 116.

terms in, construction of, 107.

Actions against, &c. commencement of, when, 116.

defendant in, when to recover costs, 116.

notice of, 116.

plaintiff in, entitled to costs, when, 116.

pleadings, 116.

tender of amends, effect of, 116.

venue in, where to be laid, 115, 116.

Assessment for, how and when made, 106, 107, 108, 177.

Acts to be done under, omission, remedy, 179.

Clerk's duty as to, 107, 108.

Collectors of, appointed by whom, 111.

to pay over to whom, 113.

COUNTIES—*Continued.*SAINT JOHN, (CITY)—*Continued.*

Nightly Watch and Day Police,

Assessment for,

deficiency in, how supplied, 113.

power of, 108.

legal, exceeding amount ordered, 179.

non-payment of, proceedings, 112, 113.

fees to Justice, 113.

non-residents, Collector's duty as to, 110.

proceedings, 110, 111.

powers of, 110.

overplus, how disposed of, 113.

persons aggrieved by, proceedings, 113.

precept for, 108, 109.

what sum to include, 178.

property of, Corporation exempt, 111.

what Companies liable for, 111, 161.

owner of, who deemed, 111.

place of inhabitancy, 111.

tax on, how to be made, 111.

Assessors, appointment of, 114.

duty of, as to warrant, 109.

as to notice, 110.

fees, for services, how ordered, 178.

refusing to serve, penalty, 114.

statement to, nature and effect, 109.

Powers of, to take into custody without warrant, who, 115.

for what purpose, 115.

Regulations, &c. relating to, made by, whom to be, 106.

Sections of what Act, incorporated with what Act, 117.

Superintendent, &c. of, wages of, by whom fixed, 178.

Nuisances in,

Act, when to come into operation, 75.

Bye laws, for suppression of, by whom to be made, 75.

for what purpose, 75.

Cattle going at large, owner of not known, proceedings, 40, 41.

penalty, recovery, and application 40.

Coasting down hills in, and in Portland, prohibited, 35.

forfeiture for, 35, 36.

Dwelling houses, leased, not sufficient privy, penalty, 74.

application, 74.

inspection of, by whom and how, 74.

duty of person performing, 74, 75.

owner of deemed guilty of misdemeanor, when, 75.

Selling unwholesome meats, &c. forfeiture, 36.

Pilots, Act, limitation of, 60, 119.

Regulations for, 60.

COUNTIES—*Continued.*SAINT JOHN, (CITY)—*Continued.*

Scavengers for east side of, appointment, and duties of, 106.
 regulations for, 106.
 wages of, assessment for, 106.

Streets in,

Allowances for enlarging, &c. 54.

Assessments, collection of, 54.

 on whom, 54.

 paid by whom, 54.

 reimbursements in lieu of what, 54, 55.

 levied how, 55.

 parties paying wrongfully, 56.

 recovered how, 55.

 whom not to affect, 55, 56.

Commissioners for, appointment of, 48, 49.

 duties of, as to estimate, 49.

 survey, 49.

 number to perform duties, 56.

 remuneration to, amount, 56, 57.

 included in what, 57.

 paid by whom, 57.

 report of, final, when, 50, 51.

 what erections may consider, 56.

Compensation for, not allowed for what, 51.

Estimate, copy of, deposit when and where, 51.

 notice of, how given, 51, 52.

 objections to, made how, 52.

 payment of, by whom and when, 52.

 default, recovery, 52, 53.

 to wrong person, remedy, 53.

 when in Court of Chancery, 53.

 reconsideration of, when, 52.

 Mayor to recover possession of, 51.

 taken how and when, 51.

From Market Slip to C. J. Peters' wharf,

 height of houses to be built on, 15.

 laid out by whom, 15.

 rights of Crown reserved, 15.

 width of, 15.

Houses, what not to be built on, 8.

 what not to be affected, 9.

 what deemed common nuisance, 9.

Portico to Court House, allowed, 13.

Statute labour on, accounts of, kept how and lodged where, 22.

 assessments of, made, &c. by whom, 19.

 persons aggrieved, remedy, 19, 20.

 defaulters, proceedings against, 21, 22.

 moneys for, expenditure, 22.

 paid when, amount, 20.

COUNTIES—*Continued.*SAINT JOHN, (CITY)—*Continued.*

Streets in,

- Statute labour on, neglecting to do, what to pay, 23.
- number of days, 18, 19.
- performed by whom, 18, 19.
- relief from, extent, 19.
- refusing to pay, recovery, &c. 23.
- to work, liability, 23.
- statement, by persons, how, 22.
- contents, 22.
- refusal, fine, recovery, &c. 22, 23.

Steps, &c. allowed on, how, 12.

- bye laws, relating to, by whom made, 12, 13.
- restrictions as to, 13.

What, Commissioners empowered to lay out, 15.

Surveyors of Highways, appointed by whom, and when, 20.

- warrant of, delivered by and to whom, 21.
- duties of, 20.
- duty of, as to lists of defaulters, 21.
- parties liable to labor, 21.
- neglecting to do duty, fine, 21.
- take office, fine, 21.
- recovery, &c. 21.
- sworn before whom, 21.
- to obey orders of Mayor, &c. as to labor, 22.
- to render accounts to Chamberlain, 22.
- vacancy in, how supplied, 20, 21.

Squares in, Act, continuation of, 44.

- bye laws, made, for what, 13.
- published, how to be, 14.
- valid, when, 14.
- distance from buildings, 13.
- enclosed, by whom may be, 13.
- laid out, with paths and trees, 13.

Wards in, alteration in divisions of, 4.

- not to affect Charter, 5.
- subject to what regulations, 5.

Wharves in, built of what, and how, 61.

- extended on east side, how far, 60, 61.
- plan of, filed where, 61.
- signed by whom, 61.

kept for what use, 61.

lumber, &c. how long to remain on, 61.

spaces, erections not allowed on, 61.

leased for what times, 62.

Street in continuation of Saint John Street laid out, how,
&c. 61, 62.

Witnesses, in cases of Corporation, who competent, 15.

COUNTIES—*Continued.*

SAINT JOHN, (COUNTY)

Alms House and Work House,

Amount required for erection of, borrowed, how, 63.
 extent, 63.

assessment for, annual, 66.

collection and application, 65.

Treasurer's pay, 65.

loan, amount of each, lowest, 63.

certificates, &c. for, 63, 64.

memorandum of, 64.

negotiable, how, 64.

numbered, how, 64.

signed, by whom, 64.

interest on, when paid, 64.

Commissioners of, accounts of, laid before whom, 43.

appointment of, by whom, 42.

compensation to, not allowed, 158.

contracts by, what not allowed, 158.

duties of, 42, 43.

number, 42.

powers, 43.

subject to whose controul, 157, 158.

Estimates for support of, before whom to be laid, 43, 44.

levied and collected, how, 44.

Inmates of old Alms House, to be removed to, when, 44.

Inspection of, by whom, purpose, 158.

Land for erection of, amount of purchase money, fixed by whom, 42.

on whom assessed, 42.

collection of, 42.

purchased, by whom to be, 42.

Part of Section sixth of what Act repealed, 81.

Commissioners of Highways, Lancaster,

controul over South Bay Canal, by, 159.

Constables, Special, appointment of, by whom, 118.

payment of, from what fund, 118, 119.

assessment for, 118, 119.

Court House, completion of,

amount for assessment, payment of, 11.

collection and application of, 11.

extent yearly, 11.

made, by whom, 11.

Treasurer's pay, 12.

borrowed, by whom, 10.

certificate, &c. for, 10, 11.

negotiable, how, 11.

numbered, how, 11.

signed, how, 11.

extent of, 10.

COUNTIES—*Continued.*SAINT JOHN (COUNTY)—*Continued.*

- Dead House, erection of, 202.
 - contract for, by whom made, 202.
 - on what ground, 202.
 - paid for, how to be, 202.
- Ferry at Indian Town, penalties for obstructing, 16.
 - recovery, 16.
 - regulations for, made by whom, 16.
- Fires, extinguishing of, in Portland,
 - Buildings, pulling down, &c. who may order, 171.
 - Engineers, appointed, by whom, 170.
 - number to each Engine, 170.
 - privileges of, 170, 176, 177.
 - Fire Police, continuance in office, 171.
 - duty and powers of, 170, 171.
 - nomination of, 170.
 - submitted, to whom, 170.
 - Hook and Ladder men, appointment, 170.
 - privileges, 170, 176, 177.
 - Larceny at, what prima facie evidence of, 171.
- Gaol, Common,
 - Erection of, contracts for, by whom entered into, 57.
 - expense of, extent, 57.
 - money borrowed for, by whom, 57.
 - amount and extent, 57.
 - assessment for, annual, 59.
 - application of, 59.
 - collection of, 59.
 - extent of, 59.
 - made, how to be, 58, 59.
 - Treasurer's pay, 59.
 - loans for, lowest amount of each, 57.
 - certificates, &c. for, 57, 58.
 - memorandum of, 58.
 - negotiable, how, 58.
 - numbered, how, 58.
 - signed, &c. by whom, 58.
 - interest on, how paid, 58.
 - Gaoler of, appointment of, in whom vested, 163.
 - Water Closets in, contract for making, by whom, 122.
 - payment for, how, 122, 123.
 - assessment for, 123, 124.
 - application, 124, 125.
 - Treasurer's pay, 125.
- Harbour, &c. of, securing navigation of,
 - Mills built near to, penalty for saw dust falling from, 76, 128.
 - application and recovery, 76, 129.
 - exempt from, who, 77.
 - what, exempt from, 162.

COUNTIES—*Continued.*SAINT JOHN (COUNTY)—*Continued.*

Highways in Portland,

Commissioners of, appointment, 199.

duty as to lists of persons to labour, 199, 200.

Collector's duty on receiving, 200.

defaulters on, proceedings, 200.

powers of, 199.

recording Streets by, how, 200.

remuneration to, 199.

Provisions of what Act applicable to, 200.

Nuisances, Act 7 William 4, Chapter 21, Section 2,

provisions of, extended to what part of Portland, 41.

Officers of, accounts of, how and when to render, 80.

bonds by, conviction of, 80.

in whose name sued, 80.

taken, 80.

disobeying orders of Justices, punishment, 80.

sureties, not relieved by, 80, 81.

moneys, &c. received by, when to pay over, 81.

Prisoners arrested in Saint Martins, conveyed to, how, 5, 6.

Police Force, Portland,

Act, continuation of, 104, 159.

offenders punishable under, may be indicted, when, 89.

exception, 89.

Amends, awarded by whom and when, 92.

paid by whom to be, 92.

Actions, &c. against, commenced when to be, 96.

notice of, to be given, when, 95, 96.

for debts, &c. due to, in whose name to be brought, 103.

what not to abate, 103.

suggestion on Record, 103.

Appointment of, by whom, 83.

Assessments for, appeal from, by whom, 103.

proceedings on, 103, 104.

Collectors of Rates, &c. of, appointed by whom, 100.

bonds by, 100, 101.

Commissioners of, appointed by whom, 102.

assessments ordered by, 98, 99.

collection of, 99, 128.

Collectors of, appointment, 99.

Assessors appointed by, 98.

sworn before whom, 98.

duty of, general, 101, 102.

estimate of expenses, made by whom, 98.

amount of, assessed, 98.

copy filed, where, 98.

extent, yearly, 98.

what to include, 98.

COUNTIES—*Continued.*SAINT JOHN, (COUNTY)—*Continued.*

Police Force, Portland,

Commissioners of, moneys, by whom to be paid, 98.
received, 98.

oath of, administered by whom, 101.

statement by, of receipts, &c. when, 102.

transmitted to whom, 102.

verified how, 102.

style, 101.

Constables of, arrests by, without warrant, for what, 84, 85, 88.

dismissed from office, powers of, to cease, 84.

exempt from what, 94.

Costs awarded by whom, 91.

established by whom, 91.

District of, what to comprise, 160.

Fees of, 104, 105.

Forms of Information and Conviction, 94, 104.

Imprisonment by, general, when none specially provided, 89.

Infants under 14 years of age, fines against,

exempted from, by whom, 96.

received from, whom, 96.

summons, service of, 96.

privileges, &c. under, 96.

Lock-up House, erection of, when, &c. 97.

assessment for, by whom, &c. 97.

amount of, 97.

escape from, who not liable for, 97, 98.

exception, 98.

established, by whom to be, 97.

Keeper of, appointment, 103.

rules, &c. for, by whom made, 103.

copies of, posted up, where, 103.

Sheriff, &c. may commit to, 97.

under whose controul, &c. 97.

Magistrate, appointed by whom, 82.

attendance by, at office, time, 89.

books kept by, for what purpose, 89, 90.

submitted to whom, &c. 90.

charges preferred before, examination of, how, 92.

information of how taken, 92

limitation as to time, 92.

note of, how to be made, 92.

conviction by, when, 89.

decisions by, appeal from, allowed when, 94.

conditions upon, 94.

decision of Judge, final, 95.

duty of Magistrate on, 94-5.

COUNTIES—*Continued.*SAINT JOHN, (COUNTY)—*Continued.*

Police Force, Portland,

Magistrate, distress under warrant of, when not unlawful, 95.

amends tendered, effect of, 95.

payment into court, when, 95.

special damage under, when allowed, 95.

exempt, from what, 94.

ex-officio, powers of, 82.

fines for Statute Labour, collected by, 100.

application, 100.

paid, to whom to be, 100.

imprisonment by, extent, 89.

jurisdiction, &c. of, general, 102.

may dismiss men, when and for what, 84.

moneys received by, to whom paid, 93, 94.

oath of, taken, before whom, and when, 82, 83.

offences against Licence Law, prosecuted by, 128.

proceedings by, what not to quash, 94.

certiorari for, not allowed, 94.

regulations, &c. made by, what, 83, 84.

subject to whose approval, 83.

salary, annual, how paid, 83.

Sitting. See *Sitting Magistrate.*

Summons issued by, in what cases, 90.

how served, 90.

taxes to be collected by, 100.

warrant issued by, in what cases, 90.

service of, and by whom, 90.

when instead of summons, 91.

Witnesses, subpoenaed by, how, 91.

neglecting to attend, warrant may issue, 91.

refusing to give evidence, penalty, 91.

swearing falsely, &c. punishment, 91.

Neglect, &c. of duty by, penalty and recovery, 85.

Number of, 83.

Office of, established by whom, and where to be, 82.

Penalties, proceedings for, as to warrant of distress, 93.

recovered, how, 93.

when by sale, &c. of goods, overplus, disposal, 93.

Penalty for affixing posting bills, &c. upon buildings, 87.

allowing ferocious dogs to go at large, &c. when, 87.

assaulting, &c. Police Force, 85.

being found drunk, &c. where, 87.

breaking, &c. lamps, 85.

causing offensive matter to run from manufactory, 88.

exception, 88.

coasting on sleds, 86.

destroying, &c. buildings, trees, &c. 87.

COUNTIES—*Continued.*SAINT JOHN, (COUNTY)—*Continued.*

Police Force, Portland,

Penalty for discharging gun, &c. where, 86.

drawing obscene figures on fence, &c. 87.

firing gun, &c. from house, 88.

inscribing on building, &c. with chalk, 87.

leading horse, &c. on footway, &c. 87.

exception, 87.

making bonfires, 86.

loud noise, &c. where, 87.

playing at pitching coppers, 86.

riding, &c. furiously, &c. where, 87.

throwing dirt, &c. into sewer, 87.

throwing snow balls, 86.

turning cattle loose, 87.

urging dogs to worry persons, 87.

using insulting language, 86.

obscene language, 87.

writing obscene language on fence, &c. 87.

general, when none specially provided, 89.

Powers of, generally, 83.

to enter into house, &c. when gun fired, 88.

for what purpose, 88.

hearing fighting, &c. duty, 88.

Sitting Magistrate, appointment of, 159, 160.

remuneration to, 160.

when to act, 160.

Sworn in, by whom and for what purpose, 83.

Tavern Keeper, &c. convicted of harboring, &c. penalty, 84.

recovery, 84.

Treasurer of, bonds by, when, and condition, 100.

duty as to receiving money, &c. 94.

oath of, when to be taken, 100.

Rates, levying and collecting of, by whom, 160.

fees for, who not to receive, 160.

Stock of what Companies liable to, 111, 161.

Registry Office, erection of, by whom to be ordered, 172.

nature of, 172.

amount to be borrowed for, how, 172.

assessment for, annual, 173.

payment and application, 173.

remuneration to Treasurer, 174.

contract for, in whose name, 172.

lot of land for, by whom purchased, 172.

what Act relating to, repealed, 174.

Sessions, General, adjournment of, 137.

Wharves in Portland, laying out, &c. of, by whom, 174.

COUNTIES—*Continued.*

SUNBURY,

Draw Bridge, (Oromocto) rules, &c. for, made by whom, 298.
penalty, recovery, &c. 298.

Lincoln,

Act, continuation of, 296.

made perpetual, 297.

Commissioners of Highways in,

erection of swing gates by, where, 295, 296.

expense of, how paid, 296.

penalty for blocking up, &c. 296.

further liability, 296.

recovery, &c. 296.

Pasturing on intervale lands in, fences erected by whom, &c. 295.

for what purpose, 295.

penalty for neglect, 295.

Maugerville, Sheffield, and Waterborough,

Act, how long to remain in force, 294.

made perpetual, 297.

Commissioners of Highways in,

may alter highways washed away by freshet, 296, 297.

Highways in, gates erected across, by whom, 294.

posts to be put in ground, by whom, 294.

for what purpose, 294.

where, 294.

water fences erected, when, by whom, 294.

assessment for, made how, 294.

penalty for destroying gates, &c. 294.

Neat Cattle not allowed to graze, when, 293.

penalty, recovery, &c. 293, 294.

exception as to, 294.

sold, when may be, and by whom, 294.

Surveyors of Highways in,

duty of, as to summoning inhabitants to work, 297.

persons neglecting, penalty, recovery, &c. 297.

WESTMORLAND,

Lock-up House, Moncton and Salisbury,

Erection of, assessment for, collection, &c. of, 315.

by whom, and how, 315.

imprisoned in, who may be, 315.

YORK,

Alms House and Work House in,

Commissioners for, accounts, &c. of, exhibited, when to be, 222.

appointed, by whom, 213.

for Fredericton, 222.

election of, when, &c. 221, 222.

number of, 213.

powers of, general and special, 213, 214, 222.

work done by order of, profits of, 214.

application of, 214.

COUNTIES—*Continued.*YORK—*Continued.*

Alms House and Work House in,

Disposal of, by each Parish, effected how, 263.

meeting for considering, &c. 263.

called, by whom, 263, 264.

duty of Clerk of Peace, 263.

Parish Clerk, 263.

notice of, 263.

who to preside at, 263.

conveyance, by whom given, nature of, 263, 264.

Sale of, ordered by whom, and when, 263.

proceeds of, application of, 264.

paid, to whom, 264.

reservation as to, 264.

Title of, vested in purchaser, when, 264.

Booms in,

Act, not to interfere with whom, 268.

Boomage, &c. established, by whom, 268.

lien for, in whom, and on what, 267.

property sold for, how, 267, 268.

recovered, how, and from whom, 267.

Erection of, licence for, granted, how, 267.

purpose of, 267.

restriction as to power, 267.

Establishment of, 267.

Management of, rules for, made by whom, 268.

who may be employed for, 268.

Court House, (New)

Loan for, assessment for, amount annually, 266.

application of, 266, 267.

collection, &c. of, 266.

ordered by whom, 266.

purpose of, 266.

remuneration to Treasurer, 266.

debentures for, form of, 265.

interest on, 265.

moneys borrowed on, accounts rendered, how, 265.

by whom received, 265.

how paid, 265.

numbered, &c. how, 265.

signed, &c. how, 265.

extent of, 265.

raised how and by whom, 265.

Frederickton, City of,

Assessors in, acceptance of office by, time for, 227.

penalty for refusal, 227.

assessing by, when to commence, 248, 249.

apportionment of rates by, 249.

COUNTIES—Continued.**YORK—Continued.****Fredericton, City of,**

- Assessors in, elected by whom, and when, 225.
 - notice by, given how, 248.
 - oath of, administered by whom, 234.
 - certificate of, entered where, 234.
 - form of, 234.
 - qualification for, 225.
 - evidence of, 227.
 - statement to, given by whom, 248.
 - duty on receiving, 248.
 - vacancy in office of, how supplied, 227, 228, 232.
 - when to go out of office, 235.

Boundaries of, 224.**Clerk of, appointed by whom, 237.**

- Minutes of Council kept by, how, 236.
 - inspection of, by whom, 236.
 - fee for, 236.

Corporation of, 224.

- Actions by or against, competency of witnesses in, 253.
- Acts relating to, repealed, and reservations, 223, 224.
- Administration of fiscal affairs vested in, 225.
 - justice, expense, how settled, 253.
- Name and powers of, 224.

Council of,

- Accounts of, books for, kept where to be, 240.
 - inspection of, fee for, 240.
- published, what, how, 240.

Assessments by, amount, annual, 248.

- appeal from, to whom, 250, 251.
 - relief on, granted how, 251.
- charged on lands, recovery, 251.
- collection of, regulated how, 249.
- errors, &c. in, corrected, &c. how, 252.
- excess in, when not deemed illegal, 252.
- exempt from, who, 248.
- execution for, against property, 250.
- imprisonment for, when, 249, 250.
- in case of mortgage, who deemed owner, 255.
- non-residents, amount for, 250.
 - notified how, 250.
 - recovery, 250.
- ordered by whom, 247.
- owners of stock, who deemed, for, 255.
 - made on, how, 255.
- preference given to, as a debt, 251.
 - exception, 251.
- property, &c. liable to, 247.
- remission of, how, 248.

COUNTIES—*Continued.*YORK—*Continued.*Fredericton, City of,
Council of,

Bye Laws of, enacted how, 225.

general power to make, 246.

special, 240, 241.

purpose, 241 to 246.

Committees of, appointed how, 237.

doings of, subject to whose approval, 237.

powers of, 237.

quorum, 237.

Lands, exchange with Ordnance, power over, 253.

vested in City, 253.

Meetings of, adjournments of, for what time, 238.

business at, what may be done, 235, 236.

called, how, &c. 235.

casting vote at, by whom, 236.

minutes of, kept by whom, 236.

signed by whom, 236.

notice of, contents, service, effect, 235.

presiding at, by whom, 236.

quarterly, holden, when to be, 235.

quorum, 236.

special, called, &c. how, 235.

Members of, guilty of improper conduct, how and when
punished, 237, 238.

Officers of, accountable for what, 240.

appointed, what, by, 238.

bonds by, nature, &c. 238, 239.

capable of acting, when, 239.

compensation to, how, &c. 239.

duties of, defined by whom, 238.

removal &c. of, how, &c. 238, 239.

Power of, general, 225.

Powers, as to drains, &c. building, &c. of, 246.

roads, breaking in winter, 246, 247.

streets, encroachments, &c. on, 246.

laying out, &c. 246.

obstructions on, removal, 247.

opening through private

lands, 247.

planking, &c. 246.

sewers, &c. erecting, 247.

Restriction as to lading boats, where in River, 252, 253.

Coroners for, who to be, 254, 255.

Councillors, acceptance of office by, term for, 227.

penalty for refusal, 227.

disqualified, how, exception, 226.

COUNTIES—*Continued.*YORK—*Continued.*

Frederickton, City of,

- Councillors, elected annually, when, 228.
 - first time, when, 228.
 - for more than one Ward, what to do, 234, 235.
- not to receive moneys for what, 226, 227.
- oath of, administered by whom, 234.
 - certificate of, entered where, 234.
 - form of, 234.
- powers of, as Justices of the Peace, 254.
- qualification of, 225.
 - evidence of, 227.
- vacancy in, how supplied, 228.

Elections for Officers of,

- assessment receipts given at, filed with whom, 234.
 - casting vote at, given by whom, and when, 230.
 - controverted, demand of, by whom, and how, 236, 237.
 - determined, how, 237.
 - proceedings, 237.
 - eligible for re-election at, who, 235.
 - holden, how to be, 228, 229.
 - nominations at, how, and time for, 229, 230.
 - notice of, how given, 229.
 - officers chosen at, sworn in, when, 234.
 - persons chosen at, exempt from fine, when, 227.
 - holding, powers of, &c. at, 233.
 - guilty of riotous conduct at, penalty, 233, 234.
 - poll lists and receipts at, kept by whom, 230, 231.
 - inspection of, 231.
 - what to be written on, 230
 - return of, made by whom, and when, 230.
 - voters at, in what Ward to vote, 233.
 - oath to be taken by, 232.
 - administered by whom, 232.
 - false swearing, perjury, 232.
 - qualification of, 226.
 - evidence of, 226.
 - voting at, how, 229, 230.
- Fines, &c. recovery of, before whom, and how, proceedings, 255-6.
- Gaol of York, to be Common Gaol of, 255.
- Grand Jury of York, to be Grand Inquest for, 253, 254.
 - powers of, as to criminal matters in, 254.
- High Sheriff of York, to be Sheriff of, 254, 255.
- Landings, public in, avenues leading to, deemed what, 216.
 - penalty for encumbering, 216.
 - recovery, 216.
 - deemed what, 215.
 - extent, 215.

COUNTIES—*Continued.*YORK—*Continued.*

Frederickton, City of,

Landings, public in, marked how, 215.

number, 215.

surveyed, 215.

Steam boat, constable to attend at, 216, 217.

duty of, 217.

powers of, 217.

penalty for encumbering, 216.

recovery, 216.

reservation as to, 216.

Lands, public, leased, by whom, terms, 219.

leases for, how made, 219.

valid, when, 219.

private sale of, by Justices, when, 219.

rents, application of, first two years, 219.

reservation of, what part of, for market, 219.

tract of, below town plat, 220.

controul of, by whom, 220.

penalty for hauling, &c. timber on, 220-1.

recovery, 221.

regulations for, made by whom, 221.

reserved for what use, 220.

Loan to sufferers by fire, by whom, 258.

bonds for, amount, 259.

collected by whom, 260.

condition of, 259.

deposited, where and when, 260.

filed, where to be, 259.

payment of, enforced how, 261.

property affected by, what, 260.

recorded where, 260.

taken by whom, and in whose name, 259.

charges in obtaining, how, &c. settled, 261.

Commissioners for, application to, 258.

what to specify, 258.

appointment, 258.

duty as to bonds, 259.

security, 258.

debentures for, by whom and when prepared, 259, 260.

cancelled, &c. how, 261.

report of, to whom, 261.

interest on, paid how, 260.

nature of, 260.

warrant for, issued by whom, and when, 259, 260.

Mayor of, acceptance of office by, term for, 227.

penalty for refusal, 227.

chosen by City Council, when, 231.

Governor and Council, when, 231.

COUNTIES—*Continued.*YORK—*Continued.*

Fredericton, City of,

Mayor of, continuance in office, 231.

disqualified for office, how, 226.

exception, 226.

while in office, how, 228.

election of, annual, holden when to be, 228.

where to be 230.

declaration of, made, when to be, 228.

first holden, when to be, 228.

votes at, counted up, by whom, 230, 231.

fees received by, paid over to whom, 254.

exception, 254.

fine, when subject to, 228.

oath of, administered by whom, 234.

in whose presence, 234.

powers of, 231.

as Justice of the Inferior Court, 254.

Justice of the Peace, 254.

to tavern keepers, 252.

qualification of, 225.

evidence of, 227.

re-elected, need not be sworn in, 231, 232.

return of, by and to whom, 231.

salary of, 254.

vacancy in office of, how supplied, 228.

who entitled to vote for in 1850, 256, 257.

Register of Deeds for York, to be Register of Deeds for, 254, 255.

Sessions, powers of, as to criminal matters in, 254.

Treasurer of, appointed by whom, and when, 238.

bonds by, when to be given, 239.

duty of, as to receiving rates, 239.

payment of money by, when, 239.

Wards in, bounds and number of, 224, 225.

Governor's Residence,

Act relating to, deemed public, 212.

Commissioners for management of, appointment, 218.

powers of, 218.

Governor, &c. of College, to convey what lands, 211.

amount to be paid for, and when, 211.

deeds, &c. of, when valid, 211.

rights reserved, what, 211.

Lands conveyed for, for what use, 211.

not to be alienated, &c. 211, 212.

exception, 212.

House of Correction in, and in Charlotte, establishment of, how, 217.

Roads, Winter, in, and in Sunbury,

Act, what repealed, 209.

COUNTIES—*Continued.*YORK—*Continued.*

Roads, &c.

Commissioners of Highways, in what Parishes,

duty of, as to determining distance for work, 206.

laying out roads, &c, 209.

orders to Surveyors, 208.

penalty for refusing to act, recovery, 206, 207.

Distance persons compelled to go from home to work on, 207.

Penalty for not having sleds, &c. correct size, 207.

exception, 207.

recovery, 207.

sending teams, &c. when ordered, for what, 206.

turning out with shovels, 207.

travelling on wrong side of Nashwaak, 208.

road, 208.

wilfully cutting trees, &c. on, recovery, 206.

Surveyors of Highways,

duty of, as to, 208, 209.

directing work on, 206, 209.

penalty for refusing to act, 206.

recovery, 207.

Time persons compelled to work on, 207.

EDUCATION,

MADRAS SCHOOL,

Court of, annual, failure of holding, proceedings, 437.

holden for 1837, when and where, 436.

powers of, 437.

quorum at, for business, 437.

Charter of, declared valid, 433.

Lands, wilderness of, sale of, authorized, 434.

conveyance of, valid, when, 434.

trees, &c. on, authorized, 434.

proceeds, application of, 434, 435.

special, when, 435.

invested how, 434.

Leases by, covenants for renewal, in what, 435.

Lots in King Street, Fredericton,

sale of, authorized, 437.

conveyances on, valid, when, 437.

proceeds, application, 437.

Meetings, special, holden, when and where, 433, 434.

for what purpose, 434,

School Lots in Fredericton,

sale of, authorized, 435.

conveyance on, valid, when, 436.

notice of, 436.

proceeds of, application, 436.

what parts of, 436.

EDUCATION—Continued.**MADRAS SCHOOL—Continued.**

- Trustees of, additional appointed, 438.
 - number, 438.
 - residence, 438.
 - vacancy in, how supplied, 438.
 - approval, 438.

VARLEY SCHOOL,

- Property devised, held by whom, and for what purpose, 445, 446.
 - vested in whom, for what trusts, 445.
- Will relating to, 442 to 445.

WESLEYAN ACADEMY, Sackville,

- Corporation of, appointment of officers by, 441.
 - board of, to consist of whom, chairman of, 441.
 - lands, &c. annual value of, extent, 442.
 - vested in, how, 441, 442.
 - meetings of, adjournments of, how, 441.
 - annual, holden, when and where, 440, 441.
 - extraordinary, called how, 441.
 - holden, where, 441.
 - first notice of, by whom, 440.
 - quorum, 441.
 - to consist of whom, after first meeting, 440.
 - Doctrines taught at, what, 442.
 - Incorporation, name, powers, and purpose, 439, 440.
 - Principal of, death, &c. of, vacancy, how supplied, 441.
 - removal of, how and when, 441.

MALLEABLE IRON,**Manufacture of,**

- Letters Patent, granted to whom, when, 555.
 - benefits of, duration of, 555.
 - provisions in, 555, 556.

MECHANICS' INSTITUTES,**DORCHESTER,**

- Incorporation, name, powers, and purpose, 481.
 - real estate of, what not to exceed, 481.

HILLSBOROUGH,

- Incorporation, name, powers, and purpose, 482.
 - real estate of, what not to exceed, 482.

KING'S COUNTY,

- Incorporation, name, powers, and purpose, 479.
 - real estate of, what not to exceed, 479, 480.

MIRAMICHI,

- Incorporation, name, powers, and purpose, 480.
 - real estate of, what not to exceed, 480.

NEWCASTLE AND DOUGLASTOWN,

- Incorporation, name, powers, and purpose, 481, 482.
 - real estate of, what not to exceed, 482.

MECHANICS' INSTITUTES—*Continued.*

SAINT JOHN,

- Incorporation, name, powers, and purpose, 479.
- real estate of, what not to exceed, 479.

WOODSTOCK,

- Incorporation, name, powers, and purpose, 481.
- real estate of, what not to exceed, 481.

PICKETT ESCHEAT,

- Property, disposal of, how, and by whom, 553.

QUIETING TITLES,

FREDERICTON,

- Act, how to be construed, 537.
- Grants of what lands declared valid, 537.
 - for what purposes, 537.
- recital of, 532 to 537.

KENT,

- Lands in, plan of, certified copy of, filed where, 552.
 - purpose, 552.
- deposited, where to be, 551.
- evidence of, what to be, 551, 552.
 - what rights saved, 552.
- Report relating to, by Committee of House, 538, 539, 540.
 - James Davidson, 541, 542, 543.
 - certified copy, filed where, 552.
 - purpose, 552.
 - deposited, where to be, 551.
 - evidence of, what to be, 551, 552.
 - what rights saved, 552.
- Schedules, 543 to 551.
 - certified copy of, registered, where to be, 552.
 - deposited, where to be, 551.
 - evidence of, what to be, 551, 552.
 - what rights saved, 552.
- Title to, vested in whom, 551.

SPRINGFIELD,

- Lands in, Rector of Trinity Church empowered to convey, 532.
- Josiah Marvin empowered to convey to Rector, &c. 532.
 - description of, 531.

ROMAN CATHOLIC BISHOP,

- Act to incorporate,
 - Royal assent to, 399.
 - What rights not to affect, confer, &c. 398.
 - When to come into operation, 399.
- Coadjutor of, powers of, and when to act, 398.
- Incorporation, name, powers, and purpose, 396, 397.
- Lands, &c. may be conveyed to, how, &c. 397.
 - sold by, what, how, &c. 400.
- Leases by, power to make, nature of, 397, 398.
- Mortgages may be executed by, extent, 400.
 - with whose approbation, 400, 401.

ROMAN CATHOLIC SUBJECTS,

- Act may be altered, how and when, 415.
 - provisions of what, not to be affected by, 406.
 - relating to, in Scotland, repealed, exceptions, 405.
 - to take effect, when, 415.
- Advice by, to Her Majesty, &c. as to disposal, &c. of any office in Church of England or Scotland, not allowed, 408.
 - any person offending, guilty of high misdemeanor, 408.
 - forfeiture, 408.
- Appointed to any office, oath, before whom, and when taken, 409.
 - certificate of, given how, fee for, 409, 410.
 - entered, where, 409.
- Elected Mayor, &c. oath, entered, where to be, 409.
 - taken, when to be, 408.
- Member of Parliament, oath to be taken before sitting, 402.
 - form of, 402, 403.
 - penalty for sitting, &c. without, 403, 404.
 - when may sit, &c. in, 403.
- Females belonging to any religious order, exempt from penalties, 415.
- Jesuits, admitting persons into order, in England, misdemeanor, 414.
 - Scotland, fine, &c. 414.
- banishment of, for coming into the Realm, when, 413.
 - exception, 413.
 - notice on, delivered to whom, 413.
 - when, 413.
 - penalty for neglect, &c. 413.
- licences to come, &c. into the Realm, by whom, 413.
 - accounts of, to be laid before Parliament, when, 413, 414.
 - how long to remain in force, 413.
 - penalty for breach of, by, 413, 414.
 - revocation of, by whom, 413.
- natural born subjects, may come into the Realm, 413.
 - notice by, to be given, 413.
 - neglect, &c. penalty, 413.
- notice by, delivered to whom, contents of, 412.
 - penalty for neglect, &c. to give, 412.
 - registered by whom, and when, 412.
- person becoming, when to suffer banishment, 414.
- sentenced to banishment, not departing, proceedings, 414.
- transported, when to be, 414, 415.
- Oath, administered by whom, 404, 410, 411.
 - administrator of, what oath to take before administering, 404.
 - certificate of, by whom granted, 404, 411,
 - evidence of what, 411.
 - from what not exempt, 406.
 - name of Sovereign in, what to mean, 403.
 - penalty for acting before taking, 410.
 - purpose of, 404.
 - what, not to be tendered to, 410.
 - to stand in place of, 410.

ROMAN CATHOLIC SUBJECTS—*Continued.*

- Officers of Land and Sea Forces to take oath, 410.
- Offices, Civil and Military, may be held by, when, 406.
 - what cannot be held by, exceptions, 406, 407, 408.
- Peers, oath to be taken by, before sitting in Parliament, 402.
 - form of, 402, 403.
 - penalty for sitting &c. in, before taking, 403, 404.
- Penalties, recovery, 415.
- Penalty for exercising rites, &c. when, 411, 412.
 - meeting for worship, with robes, &c. when, 411.
 - wearing habits of order, &c. when, 411, 412.
 - provisions of what Act, not affected by, 412.
- Persons in Holy Orders not to be elected to Parliament, 405.
 - taking Holy Orders after election, seat void, 405.
 - evidence of, 405, 406.
 - penalty for sitting, &c. after, 405.
- Privileges of, as freeholders in Scotland, conferred, how, 405.
 - in bodies corporate, conferred, 407.
 - voting for Members of Parliament, 404.
- Restrictions as to presentation to Benefices, 407.
 - right of, in whom vested, 408.
- Schedule, 415.
- Titles, restrictions as to, 411.

SOCIETIES,

BARRISTERS',

- Incorporation, bye laws, &c. made by, passed when, 522.
 - enforced by fines, 523.
 - extent, 523.
 - recovery, 523.
- Law Library of, in whom vested, 523.
- meetings of, first, holden, when, 523.
 - summoned, how, 522, 523.
- name, powers, and purpose, 522.
- room of, what may occupy, 523.
 - when to cease occupancy of, 523.

BENEFIT BUILDING,

- Act, altered, &c. when may be, 468.
 - benefits, &c. of, allowed to, when, 455, 468.
- Bonus to, allowed, 453.
- Committee of, appointment by, 458.
 - powers of, how given, 458.
- Conveyances, &c. by, form of established by, 453.
- Effects, &c. of, accounts of, given to whom, and when, 458.
 - handed over, to whom, and when, 459.
 - statements of, annual, by whom, 467.
 - attested to, how, 467.
 - published, 467.
- Establishment of, shares in, amount, 452.
 - subscriptions for, 452.

SOCIETIES—Continued.**BENEFIT BUILDING—Continued.**

Funds of, disposal, 452.

not to be invested in Savings Banks, 468.

secured, how, 452.

Judge Supreme Court, appointments by, of whom, 459.

acts to be done under, 459, 460.

Members of, competent witnesses in actions, 467.

entitled to dividends, when, 453.

minors may become, powers of, 467.

Mortgages to, vacated how, 467, 468.

Officers of, appointed by, what, 457.

becoming bankrupts, disposal of property of, 460, 461.

bonds by, recovery, in whose name, 457, 458.

duties of, 457.

fraud by, proceedings, 463, 464.

Property of, in whom vested, 461, 462.

Reference in matters of dispute, proceedings, 464, 465, 466, 467.

Rules, &c. alterations in, when of force, 455.

altered, &c. when may be, 456.

binding, on whom, 455, 456.

imposition of fines by, 453.

made, when to be, 453.

submitted to Barrister for inspection, 454.

fee for, 455.

to specify place of meeting, 456, 457.

valid, when, 454.

Schedule, 468, 469.

Trustees of, liable for deficiencies, when, 462.

payment by, to person representing deceased member, 462.

valid, how and when, 462.

HIGHLAND, Miramichi,

Incorporation, name, powers, and purpose, 449.

real estate held by, what not to exceed, 449.

PROVIDENT,

Corporation, bye laws to be made by, purpose of, 475.

valid, when, 475.

debts of, what property liable for, 476.

lands may be held by, to what extent, 475.

sold, &c. by, 475.

meetings of, Chairman, and powers of, 475.

proceedings at, 475.

quorum, 475.

not to engage in Banking transactions, 475.

lend money by way of discount, 475.

power of, to carry on a Fishing establishment, 475.

privileges, 475, 476.

Incorporation, name, powers, and purpose, 474.

SOCIETIES—*Continued.*

SAINT ANDREWS BENEFIT, (Saint Andrews)

- Corporation, meeting, first, bye laws to be made at, 450.
 - purpose, 450.
 - when may be altered, &c. 450.
- officers appointed at, 450.
- continuance of, 450.
- powers of, 450.
- general, holden where, &c. 450, 451, 470.
 - purpose, 451.
- Debts of, what property liable for, 451.
- Dissolution of, when not allowed, 451.
- Funds of, appropriation of, when not allowed, 451.
 - controul of, by whom, 451.
 - disposal of, by whom, and how, 451.
 - securities taken, how, &c. 451.
 - interest in, not assignable by members of, 451.
- Incorporation, name, powers, and purpose, 450.
- Property of, not liable for debts of members, 451.
 - to be seized for debts of members, 451.

SAINT ANDREWS, Frederickton,

- Incorporation, name, powers, and purpose, 447, 448.
 - real estate of, what not to exceed, 448.

SAINT JOHN ORPHAN BENEVOLENT,

- Incorporation, name, powers, and purpose, 447.
 - powers of, to bind poor children, 447.
 - real estate of, what not to exceed, 447.

SAINT JOHN SEAMEN'S FRIEND,

- Corporation, bye laws made by, may be, 478.
 - submitted for whose approval, 478.
- debts due by, what property liable for, 478.
- Directors, chosen by, when and where, 477.
 - eligible for, who, 477.
 - officers appointed by, what, 477.
- dividends, amount restricted to, 478.
- estate, real, &c. held by, for what purpose, 477.
 - what not to exceed, 477.
 - may be held by, by gift, &c. 478.
- meeting of, annual, held where, purpose, 477, 478.
 - first, called by whom, 477.
- President of, chosen by whom, and when, 477.
- Incorporation, name, powers, and purpose, 476, 477.

SONS OF TEMPERANCE,

- Act, continuation of, 474.
- Grand Division,
 - Bye laws may be made by, purpose of, 471.
 - Funds of, management of, by whom, 471.
 - Incorporation, name, powers, and purpose, 470, 471.

SOCIETIES—Continued.

SONS OF TEMPERANCE—Continued.

Grand Division,

Officers appointed by, for what, 471.

duties of, prescribed by whom, 471.

security for, may be required by, when, 471.

Property acquired by, what not to exceed, 471.

of Subordinate Divisions, when vested in, 473.

application of, 473.

sold, &c. by, what may be, 471.

Real estate held by, what not to exceed, 471.

Subordinate Divisions of, incorporation of,

Debts due by, what property liable for, 473.

Dissolution of, property how disposed of, 473.

vested in Grand Division, when, 473.

Effected how, proceedings, 471, 472.

Funds of, invested by, when and how, 472.

in whose name, 472.

lands, &c. acquired by, may be sold, 472.

deeds, &c. for, how made, 472.

not assignable by members of, 473.

liable to be taken in execution, 473.

subject for private debts of members, 473.

Treasurer of, bond to be given by, condition, 473.

FARMERS' LIBRARY,

Incorporation, name, powers, and purpose, 521.

TURNER'S GRIST MILL, Saint Patrick,

Troughs for, erected across highways, 554.

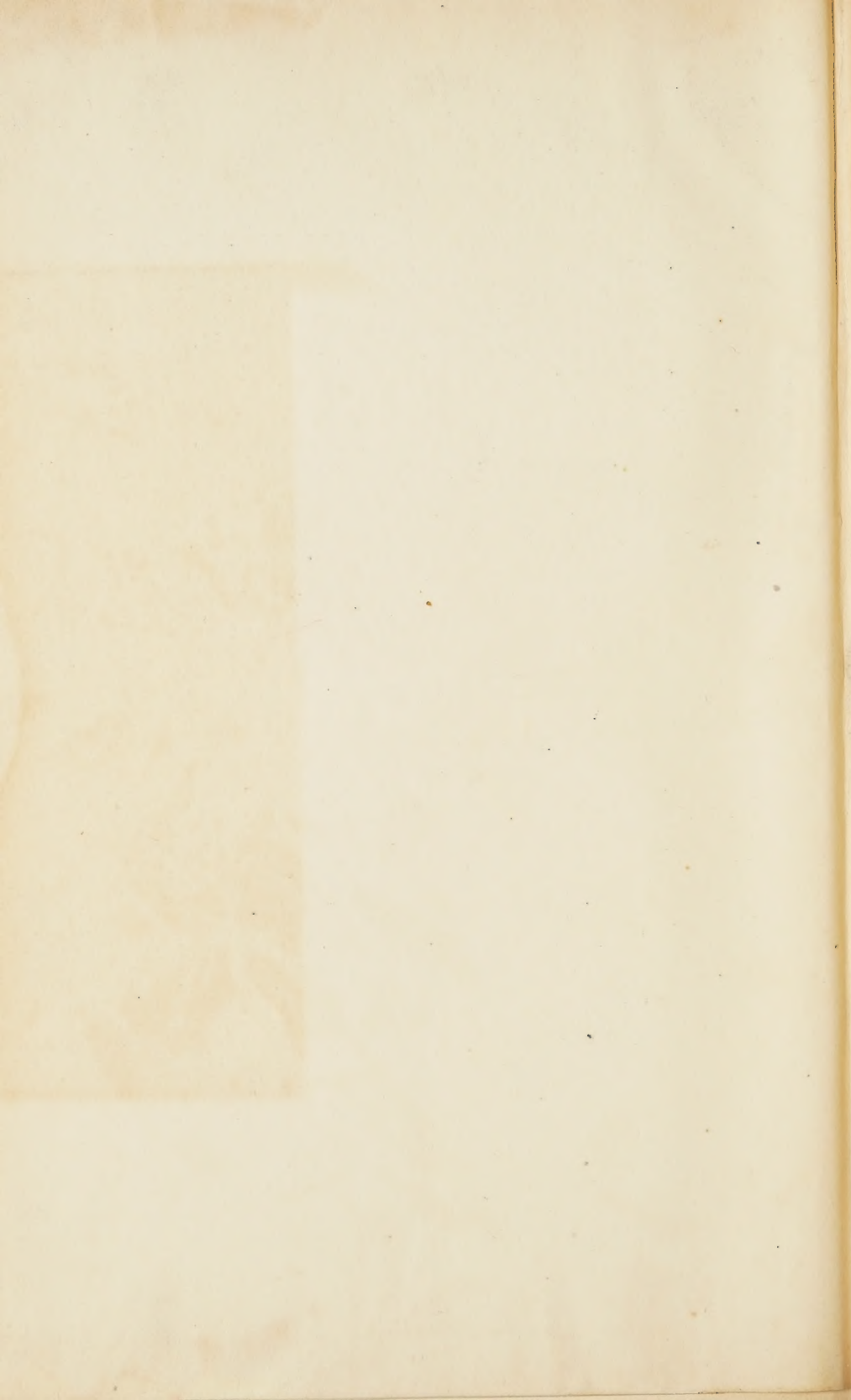
purpose of, 554.

removal of, ordered, by whom and when, 554.

for what purpose, 554.

when deemed a common nuisance, 554.





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